

# PERSONNEL POLICIES and PROCEDURES

Adopted May 11, 2008  
*(Revised January 16, 2015)*



City of Bothell™

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Personnel Policies and Procedures  
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# City of Bothell

## Personnel Policies and Procedures

### FOREWORD

The City's Personnel Policies and Procedures consist of:

- 1) "policies" which are employment policies adopted by the City Council;
- and
- 2) "procedures" which are employment guidelines/processes/procedures implemented by the City Manager.

These policies and procedures are a summary of the City's employment guidelines and apply to all employees of the City unless preempted by the provisions of a collective bargaining agreement. They are enacted to ensure, protect, and clarify the rights and responsibilities of employees and employer.

The Personnel Policies and Procedures do not constitute an employment contract or employee agreement of any kind.

Collective Bargaining Agreements, more stringent City, State and Federal legislative mandates and City, Department or enforcement agency Standard Operating Procedures may have precedent over and/or superseded these personnel policies and procedures.

## PURPOSE AND SCOPE

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: 1218-2008

### 1.1 Adoption, Purpose and Scope

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish authority for the adoption of the personnel policies and procedures.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Not applicable.
4. POLICY:

Under the Revised Code of Washington and Bothell Municipal Code, the City Council approves the City budget, creates employment positions, and establishes a compensation plan and employee benefits. The City Council adopts the following Personnel Policies in furtherance of those duties.

In the event the City Manager determines that changes to these Personnel Policies are appropriate, the City Manager will so advise the City Council and present proposed revisions for Council consideration and adoption. In the event the City Manager determines that a change to these Personnel Policies is immediately required to respond to State or Federal law, s/he may implement same and so advise the Council.

Adoption of Personnel Procedures. The City Manager is authorized and directed to adopt, amend and maintain Personnel Procedures as required for the good governance of the City and as may otherwise be required by State, Federal, or City law. Said Personnel Procedures shall be consistent with these Personnel Policies except as set forth above.

Personnel Policies and Procedures Handbook. The City Manager is directed to maintain a Personnel Policies and Procedures Handbook reflecting these Personnel Policies and the Personnel Procedures described above.

5. PROCEDURES:

These policies and procedures are enacted by the City of Bothell in order to further personnel goals and objectives. The Personnel Policies and Procedures do not constitute a contractual relationship.

Collective Bargaining Agreements, more stringent City, State and Federal legislative mandates and City, Department or enforcement agency Standard Operating Procedures may have precedent over and/or supersede these Policies and Procedures. In those instances where the personnel policies and procedures

conflict with collective bargaining agreements or with Civil Service Rules and Regulations, the provisions of the labor contract and/or the Civil Service Rules shall govern. In all other cases the Personnel Policies and Procedures apply.

Employees are expected to read and comply with all provisions of the Personnel Policies and Procedures and are encouraged to contact Human Resources if they have questions about anything in the handbook.

Department Directors are responsible for administering the provisions of the Personnel Policies and Procedures within their department and for delegating appropriate authority to managers and supervisors.

If any section of these policies and procedures is held to be invalid, the invalidity of any section or part shall not affect the validity of the remainder of this document.

The Personnel Policies and Procedures apply to all individuals employed by the City of Bothell with the exception of the following officers and individuals: members of Council, members of commissions and boards and persons providing contract services outside of the classified plan of the City.

**1.2 Definition of Terms**

Personnel Procedures Approved: 11/6/2014

1. PURPOSE: To establish generally-accepted words and phrases used in the personnel policies and procedures manual.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Not applicable.
4. DEFINITIONS:

Administrative Leave: Leave with or without pay that is initiated by the City when the conduct of an employee does not merit suspension or other disciplinary action.

Advancement: A salary increase within the limits of a pay grade.

Anniversary Date: The annual date on which an employee's performance appraisals, merit hours and associated pay changes are effective. If an employee's most recent hire, promotion, demotion or transfer as an employee with the City occurs on or after the 16<sup>th</sup> day of the month, the anniversary date is the first day of the following month. If an employee's most recent hire, promotion, demotion or transfer as an employee occurs before the 16<sup>th</sup> day of the month, the anniversary date is the first day of the month in which the hire, promotion, demotion or transfer occurred. (See also Personnel Procedure 8.2, 4.A for Performance Evaluations.)

Appeal: Any difference, dispute or complaint regarding the correct application or interpretation of the provision of the personnel policies and procedures. An appeal is related specifically to the personnel policies and procedures and is distinguished from a grievance, which applies to disputes over application or interpretation of collective bargaining agreements.

Applicant: A person who has completed a formal application of employment for an available position with the City of Bothell.

Appointing Official: The City Manager by statute is the "Appointing Official" for the City and may, by written directive, authorize department directors to hire within their own departments.

Appointment: The assignment of a qualified applicant to a position by the Appointing Official.

Cause: Any action or inaction which is appropriate justification for disciplinary action.

Classification: A description of work duties, responsibilities, authority, minimum qualifications and conditions of employment common to various individual positions of employment that permit combining them under a single title and to permit the application of common standards for selection and compensation.

Classification Plan: All class descriptions and administrative procedures compiled into one written document.

Compensation: Salary, wage, allowance and all other forms of valuable consideration earned by or paid to any employee for service in any position in the service of the City.

Compensatory Time: Authorized time off from work in lieu of payment for overtime worked.

Continuous Service: Employment in the service of the City without interruption except for authorized leaves of absence.

Demotion: The movement of an employee, either voluntarily or involuntarily, from one classification to another classification having a lower maximum rate of pay.

Department Director: The chief administrator of a City department.

Disability: (1) A physical or mental impairment that substantially limits one or more major life activities; (2) a record or history of such impairment; or (3) a perception of such impairment.

Disciplinary Action: Utilization of personnel actions (oral reprimand [documented], written reprimand [including warning], suspension, demotion, dismissal), intended to correct conduct that does not support the orderly, efficient and safe methods of delivering City services or performance that does not meet expectations.

Dismissal: Termination of the employer/employee relationship at the initiative of the City. Dismissal is a disciplinary action based on cause when initiated after the end of probationary period.

Domestic Partner: The employee's domestic partner as registered under RCW 26.60 with the State of Washington and copy of certificate of domestic partnership filed with Human Resources.

Essential Job Functions: The fundamental job duties of a position; the purpose for which the position exists.

Examination: Any device or procedure used in the selection process to measure an applicant's abilities and suitability for a position. Examinations may include but are not limited to oral interviews, psychological exams, physical exams, written tests,



performance tests, evaluation of performance during probation and scored evaluation of education and experience or any other means of evaluation related to the requirements of the position.

Exempt: Executive, administrative and professional position classifications excluded from the provisions of the Federal Fair Labor Standards Act (FLSA), as amended, and the Washington State Minimum Wage Act (WSMWA), RCW 49.46.

Full-time Employee: A regular, project term, or limited term employee scheduled to regularly work 30 or more hours per week.

Grievance: Any difference, dispute or complaint regarding the correct application or interpretation of the terms of a collective bargaining agreement.

Human Resources Director: Person responsible for the City's Human Resources Department. The Human Resources Director also serves as an advisor to department directors in personnel matters and as its Equal Employment Opportunity (EEO) Officer and Americans with Disabilities Act (ADA) Coordinator.

Immediate Family: An employee's spouse/domestic partner, mother, father, brother, sister, children, step-children, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, and grandchild. See also specific policies relating to Sick Leave, Hiring Procedures, Employment Practices, Family & Medical Leave and Bereavement Leave; Collective Bargaining Agreements; and terms/conditions of health insurance benefit plans.

Intern: A paid or unpaid temporary employee who desires on-the-job experience in a field related to their course of study or career objectives, assigned a project or responsibilities designed to be a learning experience.

Job Announcement: Announcement of a vacant position describing an opportunity for City employment, including position description, salary, closing date, application procedure(s), etc.

Lay-off: Involuntary separation of an employee from a position because of lack of work or non-availability of funds.

Leave of Absence: Leave from regularly scheduled duties that may be paid or unpaid, authorized by the Department Director and City Manager for medical or personal reasons without loss of employment status.

Light-duty: A temporary assignment of limited duties to an employee during recuperation from an illness or injury. Light duty assignments are made at the discretion of the Department Director. (For discussion of reasonable accommodation of disabled employees, see Personnel Procedure 3.5 "Injured Employees").

Limited Promotion: Promotion requiring limited or no competitive process resulting from departmental reorganization.

Limited Term Employee: A limited term employee is one who works 70 hours or more per month for 5 or more months out of any 12 months. Limited term employees are eligible for accrual of sick leave, vacation leave, holiday pay, retirement and health care benefits.

Non-Exempt: A condition of employment described under the Fair Labor Standards Act (FLSA), as amended, and the Washington State Minimum Wage Act (WSMWA) [RCW 49.46], under which a "non-exempt" employee is eligible for overtime compensation for hours worked in excess of the maximum provided for their work period.

Overtime: Authorized time worked by an employee, in excess of 40 hours per work week, or for public safety employees, in excess of the maximum allowable under FLSA for the established work period.

Part-time Employee: A regular, project term, or limited term employee who is hired to work less than 30 hours per week. Regular part-time employees who are scheduled to work a minimum of 1040 hours annually are eligible for prorated benefits based on the number of hours in their regularly scheduled work week. Part-time employees shall not be allowed to work more than 29 hours/week without prior approval of Human Resources.

Personnel File: The files, maintained by the Human Resources Department, containing information on a current or former employee, including date of hire, position title(s), performance reviews, disciplinary notices and payroll records. Records of internal investigations and medical data are kept in separate confidential files.

Personnel Policies: Those employment policies adopted by City Council directly affecting City budget, positions, compensation plan and employee benefits.

Position: A group of current duties and responsibilities requiring the full-time or part-time employment of one person.

Probation Period: A trial period of employment during which an employee must demonstrate his or her ability and capacity to perform the duties of the position to which he or she has been appointed. A new employee may be terminated, without cause at any time during the initial probation period. (See special provisions for promoted employees).

Procedures: Employment guidelines/processes/procedures implemented by the City Manager to administer personnel policies, comply with State, Federal, or City law, and effectively and efficiently administer and supervise City personnel.

Proficiency Level: Steps in each salary range within the Classification Plan.

Project Term Employee: An employee filling a position approved as the result of funding for a capital improvement project(s). Upon the completion of the project, or the discontinuation of funding for it, the position will be eliminated. Project Term employees are eligible for the same benefits as regular employees.

Promotion: The movement of an employee from one classification to another classification which results in increased duties, responsibilities, qualifications and provides a higher maximum rate of pay.

Protected Group: Any group (or member of that group) specified in, and therefore protected by, anti-discrimination laws.

Provisional Employee: For those positions covered by Civil Service, an employee hired on a temporary basis in the absence of an eligibility list for that position and pending establishment of such a list.

Reclassification: A change in classification of an employee as a result of a review of the duties performed by that employee and a finding that the employee's job is no longer adequately described by the classification description.

Recognized Employee Organization: Any employee organization or union recognized by the City under the procedures as outlined in the State Collective Bargaining Act.

Reduction-in-Rank: A demotion.

Regular Employee: An employee who has successfully completed a probationary period and whose employment does not have a specified ending date.

Reinstatement: The reappointment of an employee to his or her former position with the City within one year after layoff or at any time after successful appeal of a demotion, reduction-in-rank or termination.

Resignation: Voluntary separation by an employee of his or her employment with the City.

Salary Placement: Determination of the proper salary range of a position based on the duties performed, authority and responsibilities exercised and the grade level of comparable positions.

Salary Schedule: A schedule with salary ranges of pay for classifications in the service of the City.

Salary Step: The individual rate of pay in a salary range.

Salary Structure: A logical and integrated system of salary ranges.

Seniority: The length of an employee's continuous service with the City since the employee's most recent date of hire as a regular employee, adjusted for periods of leave(s) of absence according to applicable leave, rehiring or recall policy.

Separation: Resignation, termination or layoff.

Supervisor: An employee with the City who may be delegated responsibility and authority to hire, transfer, suspend, layoff, recall, promote, dismiss, evaluate, discipline or direct other employees, or to effectively recommend such action.

Suspension: A temporary separation from duty, with or without pay, of an employee: (1) for disciplinary purposes; (2) for the purpose of investigation of an accusation brought against an employee; or (3) where necessary to preserve employee safety or public confidence.

Temporary Employee: A full-time or part-time employee who is hired for usually no more than four months, with set starting and ending dates. Temporary employees are not eligible for accrual of sick leave, vacation leave, holiday pay or retirement or health care benefits.

Termination: The involuntary cessation of an individual's employment with the City.

Time-Loss: Absence from work due to an on-the-job injury which has been approved as compensable by the State Department of Labor and Industries.

Transfer: The movement of an employee from one position to another in the same or different classification, having essentially the same salary range. Transfer does not include change of assignment within a classification and within the same Department.

Volunteer: An individual who performs services for the City who receives no compensation other than expenses, reasonable benefits or a nominal fee and who is not otherwise employed by the City to perform the same type of services.

## GENERAL POLICIES AND PRACTICES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 2.1 Equal Employment Opportunity

Personnel Procedures Approved: 10/15/2013

1. PURPOSE: To establish procedures for Equal Employment Opportunity
2. ORGANIZATIONS AFFECTED: All Departments/Divisions.
3. REFERENCES: Title VII of the 1964 Civil Rights Act, as amended, The Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act, the Washington State Law Against Discrimination. The Equal Pay Act of 1963, RCW 49.60. Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)
4. PROCEDURES:
  - A. The City of Bothell values diversity in the work place and does not discriminate in its employment practices with regard to gender, marital status, race, color, creed, national origin, sexual orientation, age, the presence of any sensory, mental or physical disability, genetic information, or any other factor protected by federal, state, or local law. The City prohibits discrimination in all its employment practices.

This requirement extends to all areas of employment and to all recruitment, selection, placement, promotion, job assignment, compensation, disciplinary measures, demotions, layoffs, job terminations, testing, training, awards, benefits, daily working conditions, and all other terms and conditions of employment. Personnel decisions will be based on individual qualifications and performance, staffing requirements, and in accordance with governing Federal and State Laws, Civil Service Rules, budgeted authority and collective bargaining agreements.
  - B. Nondiscriminatory Work Environment. In order to foster and maintain a harmonious nondiscriminatory working environment, comments or actions demeaning or offensive to any individual based on any of the above-mentioned protected factors will not be tolerated by the City. Violation of these procedures will be cause for disciplinary action up to and including termination.
    1. Victims of Discriminatory Treatment. Any employee who feels he or she has been the victim of or a witness to discriminatory treatment in violation of these procedures is encouraged to bring this concern to the attention of his or her Supervisor, Department Director or to the Human Resources Director. Supervisors/managers must inform the Human Resources Director as soon as possible of the complaint, and the Human Resources Director will coordinate with the appropriate department director on the investigation of the complaint. No retaliation of any kind will be permitted against an employee who

## 2.1 Equal Employment Opportunity

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makes a "good faith" complaint. See also Anti-Harassment Procedures, Chapter 2.2.

2. Employee/Supervisor Responsibility. Each employee and every supervisor of the City is responsible for maintaining an appropriate work environment. It is the intent of the City to maintain a nondiscriminatory environment, but it can only do so effectively when each and every employee takes responsibility for maintaining that environment by promptly reporting inappropriate or discriminatory behavior.
  3. Discriminatory Action by Non-Employees. Victims of or witnesses to discriminatory actions against City employees by non-employees of the City should follow the same procedure contained in B.1 above. Supervisors are responsible for ensuring a non-discriminatory work environment and should report actions of non-employees to the Department Director, who should investigate the complaint, and, if confirmed, inform the perpetrator of the discriminatory comment or action of the City's procedures against such behavior. If the individual continues to harass the employee, the employee should be removed or otherwise protected from future contacts with the individual with no negative impact to the employee.
- C. Affirmative Action. The City will comply with all Federal and State Laws which may require the development and implementation of Affirmative Action plans and reporting procedures.

## GENERAL POLICIES AND PRACTICES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 2.2 Anti-Harassment Procedures

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures to prevent harassment by and toward City Employees.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Washington State Law Against Discrimination; Title VII of the Civil Rights Act of 1964, as amended.
4. PROCEDURES:

The City of Bothell is committed to maintaining a work environment that is free from discrimination and harassment. In keeping with this commitment, the City will not tolerate harassment of City employees by anyone, including any City official or employee, volunteer, vendor, client, or customer of the City.

- A. Definition of Harassment. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, including slurs, comments, gestures, jokes, innuendos, touching, pictures, cartoons, pranks, and unwelcome compliments, that: (1) is based upon gender, color, race, ancestry, religion, national origin, age, physical or mental disability, medical condition, veteran status, citizenship status, sexual orientation, or other protected group status; and (2) creates an intimidating, hostile, or offensive working environment, or unreasonably interferes with an individual's work performance or employment opportunities. Sexual harassment is a type of harassment that occurs when the types of conduct described above are sexual in nature or directed at a person because of his or her gender. Sexual harassment also occurs when employment opportunities or benefits are conditioned on an employee granting sexual favors to, or having a romantic relationship with, a supervisor or manager.
- B. Other Inappropriate Conduct. Not every incident of inappropriate conduct constitutes harassment in violation of these procedures. Isolated incidents of offensive conduct are not necessarily unlawful harassment. For example, random words that offend a particular employee may not be sufficient to constitute harassment. Nonetheless, if an employee is offended by such behavior it is important that they follow these procedures so the offensive behavior can be identified, evaluated, and corrected.
- C. All City employees are responsible for helping to assure that we prevent harassment. Supervisors and managers are expected to model appropriate behavior as well as to intervene if they witness potentially harassing behavior. Supervisors or managers receiving a complaint or

## 2.2 Anti-Harassment Procedures

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observing inappropriate behavior should immediately report it to their Department Director or the Human Resources Director.

If you feel that you have experienced or witnessed harassment, you should take the following action:

1. Identify the offensive behavior to the harasser, if appropriate, and request that it stop;
  2. If you are uncomfortable doing this, or the conduct does not stop, you must discuss your concern with a non-involved supervisor, department director, or the Human Resources Director.
  3. Participate in the investigation about the offensive behavior. Although the City cannot assure total confidentiality for employees who report incidents of inappropriate conduct, every effort will be made to protect the rights and feelings of all parties concerned.
  4. If for any reason you are uncomfortable with Steps 1 or 2 above, you should contact the City's Employee Assistance Program at 800-570-9315 (APS Healthcare) or 800-553-7798 (Wellspring Family Services EAP).
- D. Organizational Procedures. When a supervisor or Department Director is notified of alleged harassment, they should promptly advise the Human Resources Director. The Human Resources Director, jointly with the non-involved Department Director, will decide the appropriate level of investigation for the complaint. The investigation may include interviews with the directly-involved parties, and where necessary, employees who may have observed the alleged harassment or who may also be recipients of harassment, and who may be able to share information about their experiences with the accused party.
- E. Disciplinary Action. Following investigation, the complainant and the accused will be notified whether harassment was found to have occurred. An employee who is found to have harassed another employee will be disciplined. Disciplinary action may include verbal and/or written reprimands, a letter of reprimand to the employee's personnel file, suspension, or termination.
- F. Non-retaliation. No employee will be retaliated against in any way for complaining of harassment or providing information in connection with the investigation of a harassment complaint.
- G. Malicious Complaints. Complaints of harassment that are found, following investigation, to be contrived or willfully intended to cause harm to the accused person are a violation of these procedures, and the complainant is subject to disciplinary action.



## GENERAL POLICIES AND PRACTICES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 2.3 Prevention of Workplace Violence

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To provide management and employees with guidance and procedures on the prevention of violence in the workplace.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Dangerous Weapons, RCW 9.41.250
4. PROCEDURES:
  - A. The City of Bothell will not tolerate any acts of violence to persons or property. All acts of violence are treated seriously. Each act of violence will be dealt with promptly and appropriately utilizing administrative, managerial, legal and disciplinary actions to minimize risk to employees, customers and property.
  - B. Definitions. "Workplace Violence" means any verbal or physical action that is communicated or reasonably perceived as a threat, harassment, abuse, intimidation or personal contact, and that produces fear, or causes bodily harm or damage to property. Workplace violence may involve family, friends, strangers, co-workers or customers.
  - C. Preventing Violence in the Workplace. The City of Bothell recognizes that most serious incidents of workplace violence represent a personal crisis that the individual is unable or unwilling to solve alone. Intervention at an early stage provides the individual with the necessary assistance to resolve these issues, prevent escalation and allow continued productive employment.
  - D. Dangerous Weapons Prohibited. With the exception of commissioned law enforcement personnel, City employees are prohibited from carrying dangerous weapons onto City property or in City vehicles. For the purposes of these procedures, "dangerous weapons" includes firearms and other dangerous weapons as indicated in RCW 9.41.250.
  - E. Employee Assistance Program. Employees and supervisors have access to confidential professional assistance through the City's Employee Assistance Program. The program provides advice, assessments and case review to help management develop intervention strategies and make decisions that will prevent violent incidents from occurring. The program can refer employees to outside professional agencies which can provide evaluations, diagnoses and treatment plans.

- F. Responsibilities. All employees are responsible for refraining from participating in violent actions. In addition, all employees should report to management any threatening or dangerous situations occurring within the workplace or those that affect their work requirements. This includes the notification to management of a court issued restraining order filed on behalf of an employee that prohibits the subject of the order from contacting the employee at work.

## GENERAL POLICIES AND PRACTICES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 2.4 Personnel Files

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: It is the practice of the City of Bothell to maintain personnel records for applicants, employees and past employees in order to document employment-related decisions, evaluate and assess policies and procedures and comply with government record keeping and reporting requirements.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: State Public Records Act, Chapter 42.56 RCW, WAC 296-126-050. Employee access to personnel records, Chapter 49.12.240 - 49.12.260 RCW.
4. PROCEDURES:
  - A. The Human Resources Department is responsible for overseeing the recordkeeping for all personnel information and will specify what information should be collected and how it should be stored and secured. The Human Resources Department will maintain separate confidential medical files according to the requirements of the law.
  - B. Employees have a responsibility to make sure their personnel records are up to date and should notify the Human Resources Department in writing of any changes in the following:
    - Name
    - Address
    - Telephone number
    - Marital status (for benefits and tax withholding purposes only)
    - Number of dependents
    - Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only)
    - Beneficiary designations for any of the City's insurance, disability, pension and profit sharing plans
    - Persons to be notified in case of emergency
  - C. Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Such an inspection must be requested in writing to the Human Resources Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the Human Resources Department.

1. Employees who feel that any file material is incomplete, inaccurate or irrelevant may submit a written request to the Human Resources Department that the files be revised accordingly. If such a request is not granted, the employee may place a written statement of disagreement in the file and pursue the matter further using the Appeal procedure.
2. Confidential employee medical files shall be maintained in a separate locked file in the Human Resources Department.

D. Access to Personnel Files by agents of the City.

1. Personnel Files. Only supervisory and management employees who have an employment-related need for information about another employee may inspect the personnel file of that employee. Such an inspection must be approved by the Human Resources Department and should be recorded in the file inspected.
2. Confidential Medical Files. Only the employee, Human Resources, the Department of L & I and individuals authorized by the employee may have access to information in the Confidential Medical Files.

E. Access to Personnel Files by Others. Normally, employees should refer all requests from outside the City for personnel information concerning applicants, employees and past employees to the Human Resources Department. The Human Resources Department normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with safety and medical officials who have a need to know specific employee information. In the event of a subpoena for employee personnel files, the Human Resources Department will attempt to notify the employee five (5) working days before complying with the subpoena. Employee salaries and positions held are public information and may be provided without employee knowledge or consent.

## EMPLOYMENT

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 3.1 Probationary Period

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures for a probationary period of employment for new employees and for employees in a new position due to promotion or transfer.
2. ORGANIZATIONS AFFECTED: All department/divisions.
3. REFERENCES: Not applicable.
4. PROCEDURES:
  - A. Probationary Period. All newly appointed, promoted or transferred employees will serve a trial period of employment as an extension of the hiring process. During the probationary period an employee's performance in their new position will be closely monitored.
    1. New Employee. Any new employee may be terminated without cause or notice during the probationary period and without recourse to appeal or grievance procedures.
    2. Promotion and Transfer. An employee who is serving a probationary period as a result of a promotion or transfer may be demoted or returned to their previous position without benefit of the grievance procedure, provided that the employee is reinstated in the position from which they were promoted or transferred.

If the probationary employee's previous position has been filled by another employee, the employee occupying the position may be removed to a vacant similar position, to their previous position, or laid off.
  3. Exception. Employees may not be terminated during the probationary period for any reason that violates a statute, law, ordinance, or labor agreement.
  4. Length of Probationary Period. Newly appointed employees not covered by Civil Service or a collective bargaining agreement will have a six (6) month probationary period. Newly promoted or transferred regular employees not covered by Civil Service or a collective bargaining agreement have a six (6) month probationary period. For Civil Service covered positions, refer to Civil Service Rules and Regulations; for positions covered under a collective bargaining agreement, refer to the labor agreement.

- a. “Acting Appointments”. Thirty or more contiguous days served in an “Acting Appointment” may be counted as time served towards completion of the Probationary Period. Approval of the City Manager is required.

- 5. Extension of Probationary Period. The probationary period may also be extended for a maximum of six (6) additional months for non-Civil Service employees, and three (3) additional months for Civil Service employees, if the supervisor determines that it is necessary to monitor performance which does not meet the minimum requirements for the job, or if the employee otherwise fails to show fitness for regular employment status.

The probationary period may also be extended if the employee is on leave status in excess of thirty (30) days, in which case the probationary period will be extended for the period of time that leave is in excess of one month.

- 6. Temporary Employees. Temporary employees do not serve a probationary period because their employment with the City is not intended to become of a regular status. Therefore, temporary employees may be terminated at any time without benefit of the appeal or grievance procedure.
- 7. Benefits. New probationary employees 1) receive health benefits as of the effective date of employment; 2) accrue but cannot take vacation leave until after six months of employment; 3) accrue and may take sick leave. Transferred or promoted probationary employees have the same health, sick and vacation leave benefits as a regular employee.

- B. Prior to the end of the probationary period, a performance appraisal is conducted and the department director submits a Personnel Change Notice (PCN) with a recommendation to either dismiss, demote or retract a transfer, extend the probationary period, or change the probationary employee's status to one of regular status.

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3.2 Rehiring/RecallPersonnel Procedures Approved: 5/8/2008

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1. PURPOSE: To establish procedures for the rehiring of former employees and the recall of employees from layoff.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Washington Public Employees' Retirement System (RCW 41.40), Washington Administrative Code 415-108-800
4. PROCEDURES:
  - A. It is the practice of the City of Bothell to consider for reappointment employees for the same or different classification who have resigned their employment with proper notice or who were laid off.
    1. Employees who successfully complete their Probationary Period and:
      - a. Resign in good standing and are rehired within two (2) years of their separation date:
        - i. May be placed at the step in the range of the compensation plan that they occupied upon separation;
        - ii. May be credited with ½ the sick leave accrued at separation; and
        - iii. May be credited with time of prior employment for purposes of establishing vacation accrual rates.
      - b. Are laid off and are rehired within two (2) years of their separation date:
        - i. May be placed at the step in the range of the compensation plan that they occupied upon separation;
        - ii. May be credited with sick leave accrued at separation; and
        - iii. May be credited with time of prior employment for purposes of establishing seniority, vacation accrual rates, and anniversary date.
    - B. Retired Employees. Hiring an applicant who is receiving PERS retirement benefits must comply with State of Washington regulations. These include a prohibition of any pre-retirement oral or written agreement for reemployment

and an absence of at least one (1) month prior to starting a new job with the City.

In the case of a former regular employee who has left the City employment and is receiving PERS retirement benefits, a Department Director may elect:

1. To appoint the former employee to a Temporary Position, not to exceed four (4) months, without a selection process. The terms and conditions applicable to a Temporary Position apply.
2. To select a former employee for a Limited Term or Regular position through an open and competitive selection process. The terms and conditions applicable to a Limited Term or Regular position apply.

A retired employee from any other jurisdiction is administered the same as an applicant for a City position.

Exceptions to items 1 and 2 in this section may be granted by the City Manager in consideration of extraordinary circumstances that would affect the safe and effective operation of the city.

- C. Rehire of Laid-Off Employees. Employees laid off will be listed in a general roster which will be kept for a period of two years. If qualified, employees on this list shall receive the first offer of re-employment for vacancies in their previous job classification if they respond within fifteen (15) working days from the date the notification was mailed to their last known address. If more than one person applies for re-hire, the person with the best qualifications and past performance will be selected. If qualifications and past performance are equal, the person with the most seniority with the City will be selected. It shall be the former employee's responsibility to notify the Human Resources Department of any address changes.



**3.3 Promotion, Limited Promotion,  
Transfer and Demotion**

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures for promotion, transfer and demotion of employees.
2. ORGANIZATIONS AFFECTED: All departments/divisions where procedures are not specified by Civil Service Rules and Regulations or union contracts.
3. REFERENCES: Not applicable.
4. PROCEDURES:

- A. Promotions. Vacancies in positions above the lowest rank in any classification series may be filled by promotions of current City employees or by an individual not currently in the City's employ. The City encourages employees to apply for promotions.

If the Human Resource Director finds that there are a sufficient number of individuals within the current employ of the City qualified to compete for promotion, an internal-only recruitment may be held. Regular, project term, limited term, and temporary (including interns) full or part-time employees, including part-paid Firefighters and volunteers, are eligible to apply for internal-only recruitments. The appointing authority will consider the applicants' qualifications, record of performance and seniority. Vacancies will be posted within City departments for five (5) working days concurrent with or prior to publicizing outside City departments.

1. An employee promoted to a new position having a higher pay range receives a salary increase as follows:
  - a. If the employee's rate of pay in the previous classification is four (4) percent or more below the minimum rate for the promotional classification, the rate of pay shall be increased to the minimum rate for the promotional classification;
  - b. If the rate of pay in the lower classification falls within the range of pay for the promotional classification, the employee shall be advanced to the next higher step that provides at least a one step increase.
2. Once promoted, the employee will serve a probationary period of six months unless otherwise specified. See Chapter 3.1 regarding Probationary Period.

- B. Limited Promotion. When an approved departmental reorganization creates a new classification and one or a very limited number of employees in the department are uniquely qualified and experienced to fill the position, the department may recommend promotion of the best qualified person to the position without internal or external recruitment.
1. Limited Promotion Procedure. The department director submits a reorganization plan to the City Manager for approval to insure that the change in classification(s) is justified. The reorganization plan may outline which current department employee(s) possess the qualifications and skills needed to fill the new classification(s) and recommend limited promotion.
- C. Transfers. Transfer of an employee from one department to another, from one division to another, or within a department or division, may occur following recommendation of the Department Director in accordance with the provisions of the Personnel Policies and Procedures. No employee will be allowed to transfer to a position for which he or she does not possess the qualifications.
1. A transfer shall not be used to avoid discipline or to circumvent procedures regarding promotions, demotions, terminations or other management decisions.
  2. The transferred employee should continue at the rate of pay received in his or her prior position.
  3. The probation for transfers follows procedures in Section 4.A.2 of these Procedures.
- D) Demotions:
- 1) Demotion of probationary promoted employee: See Chapter 3.1 regarding Probationary Period.
  2. Demotion as a disciplinary action: See Chapter 11.1.
  3. Demotion by employee request or to prevent layoff. A demotion may be authorized by the City Manager for any employee who requests it or to prevent a layoff of the employee if a vacant position exists in a lower classification. Any demotion to prevent layoffs will be reversed when the employee's previous position is reinstated or reopened. An employee who takes a voluntary demotion or transfer will be placed at a step in the new range that most closely matches his/her current salary.

**3.4 Conflicts of Interest in  
Employment**

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures regarding conflicts of interest in employment.
2. ORGANIZATIONS AFFECTED: All department/divisions.
3. REFERENCES: WAC 162.16.250
4. PROCEDURES:
  - A. The City discourages the practice of hiring a relative of the immediate family, or individuals involved in a dating or cohabitating relationship within the same City department. In order to promote fair employment practices and to acknowledge that the appearance of fairness is important for the daily operation of all City departments, members of the immediate family of City employees or individuals involved in a dating or cohabitating relationship may not be hired if:
    - 1) One would have the authority or practical power to hire, supervise, remove or discipline the other;
    - 2) One would be responsible for financially auditing the work of another;
    - 3) One would handle confidential material which might create the appearance of improper or inappropriate access to the material by the other;
    - 4) To avoid an appearance of impropriety or any circumstance which would place the employees in a situation of actual, or possible conflict between the City's interest and their own.
  - B. If two employees become related, involved in a dating relationship or cohabit during their employment in violation of Section A.1 above, one of the employees may be required to transfer to another department or division.
    - 1) If a transfer cannot be accomplished due to the unavailability of an open position for which one of the employees is qualified, one of the employees must resign.
    - 2) The decision as to which employee will transfer or resign should be made by the employees involved, unless disciplinary action results from a finding of preferential treatment or concealment of the relationship by one or both employees.

### 3.4 Conflicts of Interest in Employment

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- 3) For the purposes of these procedures, "immediate family" is defined as any family relationship that, were the employees working in the same City department, would result in an actual or possible conflict between the City's interests and the interests of one or more of the employees. This includes, but is not limited to, employees related by blood, marriage, financial interest, dating relationship or cohabitation.

**3.5 Injured and Disabled Employees**

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures for evaluating an injured or disabled employee's fitness for duty.
2. ORGANIZATIONS AFFECTED: All departments/divisions. These procedures do not apply to employees covered by the Law Enforcement Officers' and Firefighters' Plan I Retirement System. For these employees, refer to RCW 41.26 and Bothell LEOFF-I Disability Retirement Board Rules. For LEOFF-II employees, see also RCW 41.26.
3. REFERENCES: Americans With Disabilities Act (ADA) and Washington State Law Against Discrimination (WLAD).
4. PROCEDURES:
  - A. If a City employee has an injury, illness, or condition that appears to affect the employee's ability to perform their essential job functions or customer or employee safety, a medical and/or psychological examination may be required. This fitness for duty evaluation will be structured so that its requirements are job related and consistent with the City's interest in maintaining a safe and appropriate work environment. The fitness for duty evaluation may be a condition of return to work following an absence due to an injury, illness, or medical condition.
  - B. If the employee has an impairment that substantially limits a major life activity and impacts the employee's ability to perform the essential functions of their position, the City will:
    1. Consider the findings of the medical evaluation in determining whether the employee can perform the essential functions of their job, with or without a reasonable accommodation.
    2. In considering a disabled employee's ability to return to work, the reasonable accommodation process will include the following:
      - a. Identification of essential and marginal job functions based on job analysis;
      - b. Determination of how the disability limits the essential job functions, utilizing medical evaluation and employee's opinion;
      - c. Identification of accommodations which would overcome the limitations, including:
        - i. Modifications of the work environment;

### 3.5 Injured and Disabled Employees

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- ii. Auxiliary aids;
    - iii. Job restructuring involving elimination or reassignment of marginal job functions;
    - iv. Reassignment to a vacant position, the essential job functions of which the employee is qualified to perform, with or without accommodation. (For LEOFF-II employees, see also RCW 41.26.470).
  - d. The City will work with the injured employee, vocational-technical experts and the employee's supervisors in the accommodations process.
- C. The City is responsible for determining the reasonableness of any accommodation. Consideration will be given to the net cost of the accommodation, the overall effect on expenses and resources, the type of job being performed, the impact on other employees' ability to perform their duties, and the preferences of the disabled employee. In the accommodations process the City will consider not only the cost of a particular accommodation but also whether the cost must be born wholly by the City or whether grants from federal, state or local charitable agencies are available to assist with extraordinary costs.
- 1. A finding of undue hardship may result if the accommodation is excessively costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of service delivery.
  - 2. Accommodation will not be deemed reasonable if it could pose a direct threat to the health or safety of the disabled employee or others.
- D. If the employee has an impairment that will temporarily limit the employee's ability to perform the essential functions of their job, the employee may be temporarily assigned to "light duty" by job restructuring or reassignment to a vacant position. Light duty assignments are made at the discretion of the Department Director. The City has no obligation to create a light duty assignment.
- 1. Light duty assignments are compensated according to the placement of the light duty classification in the City's Compensation Plan, with the exception of assignments to LEOFF-II employees previously drawing disability allowance.
- E. These procedures are intended as a summary of the City's obligations under the WLAD and the ADA. In the event of conflict between these procedures and such laws or regulations, or with the Law Enforcement Officers' and Firefighters' Retirement Act or Public Employees' Retirement Act, such laws or regulations shall control. These procedures are not intended to create broader rights than those provided under the statutes and regulations and

### 3.5 Injured and Disabled Employees

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shall be interpreted consistently with the City's obligations under those acts and regulations.

#### 4.1 Employee Classification and Salary Plan

Personnel Procedures Approved: 1/3/2011

1. PURPOSE: To establish a policy and procedures to maintain an Employee Classification and Salary Plan.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Washington State Wage Act (WSWA), RCW 49.46, Federal Fair Labor Standards Act (FLSA), as amended.
4. POLICY:

Employee Positions. All employee positions are subject to available funding. In the adopted budget, City Council approves the number and type of funded positions and a list of classifications by salary range. The City Manager has the authority, subject to available funds within the approved budget, to approve limited term (employment of five to twenty-four months maximum) and temporary (less than five months) workers.

Employee Classification and Salary Plan. It is the policy of the City to maintain an Employee Classification and Salary Plan designed to pay salaries that provide incentives for excellence in job performance and that are equitable internally, that is, salaries which are in a proper relationship to all other jobs within the City. It is also the policy of the City to pay salaries which compare favorably with other similar cities and the local area for comparable jobs within budget limitations and with full consideration for the public it serves. The City Council adopts a Classification Plan, and approves the salaries to be paid as part of the biennial budget. The current Classification Plan and salary structures are maintained by the Human Resources Department.

The City Council will review the compensation schedule as part of the budget process, and the City Manager may recommend other schedules or an evaluation if deemed necessary. Council consideration shall be given to a) adjusting the salary structures and b) granting employees a general salary increase based on competitive conditions, the City budget and applicable collective bargaining agreements.

- A. Salary Advancement. Salary advances within a pay range, other than those received for promotions or as provided by collective bargaining agreements or the City's salary administration policy, shall be based upon the employee's annual performance evaluation. An employee who fails to achieve at least a satisfactory overall rating on their annual performance evaluation shall not be eligible for a step increase or merit hours.



## 4.1 Employee Classification and Salary Plan

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- B. Market Premiums. When temporary labor market conditions exist that inhibit the recruitment of new employees or the retention of current employees, upon receiving approval by City Council the City may add a premium to the pay for that job classification. This premium is not considered part of the base pay. It may be added, increased, decreased or removed at any time by the City Manager subject to the approved budget. The Human Resources Department will survey the labor market annually for any classification that has a market premium and make recommendations for adjustment.
- C. “Acting Appointments”. When a vacancy or extended absence occurs, the City may assign an employee to temporarily perform the duties of the vacant position. If the employee’s “acting appointment” is at a higher classification than their regular position and extends thirty (30) or more calendar days, the employee shall be compensated at the minimum wage on the range of pay for the higher classified position, but not less than four percent (4%) more than their regular rate of pay.
- D. General Salary Increase. Following collective bargaining and City Council approval of annual budget adjustments, a cost-of-living increase may be implemented which adjusts salary structures by an approved percentage or flat dollar amount. Salary schedule adjustments for bargaining units is determined by collective bargaining agreements. The City Manager recommends cost-of-living adjustments for Non-Represented employees based upon the CPI-W Seattle-Tacoma-Bremerton June to June index as published by the Bureau of Labor Statistics.

### 5. PROCEDURES:

- A. Department Directors shall ensure that employees in their department are working within their current, approved classifications.
- B. Salary Structures. The Classification Plan consists of five (5) salary structures identified below. Salary structures A, C, D and E below are established through the collective bargaining process:

Salary Structure A - AFSCME

Salary Structure B - Non-Represented

Salary Structure C - IAFF Local 2099

Salary Structure D - Bothell Police Officers' Guild

Salary Structure E - Bothell Police Captains' Union

- C. Coverage under the Plan includes all position classifications established by the City except the City Manager, which is defined by contract with the City Council.
  - 1. The necessity of changing an employee's assigned job classification, modifying the content of a job description, updating salary ranges or

## 4.1 Employee Classification and Salary Plan

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other elements of the Plan will arise due to the assumption of new City services, the expansion or contraction of existing services, substantial change in job duties, and changes in the salary levels for comparable positions in other similar cities and local area.

2. The application of the Plan is subject to on-going review to verify the adequacy of job descriptions, the proper allocation of the jobs to the appropriate salary ranges, and to ensure that employees are properly classified and compensated.
- D. Starting Salary. New employees are generally hired at the lowest level in the pay range. With the request of the department director, recommendation of the Human Resources Director and approval of the City Manager, employees may be hired at a higher step in the pay range when experience, training or proven capabilities warrant initial compensation above the minimum step.
- E. Unsatisfactory Performance Evaluations. If an employee receives an overall unsatisfactory rating on their annual performance evaluation, the following action will be taken:
1. Employee shall be placed on a performance improvement plan for a minimum of six months and shall not be eligible for any step increases until the next annual appraisal is conducted. Step increases will only be awarded for a satisfactory overall performance evaluation rating for a twelve month period. Employees receiving a satisfactory annual performance evaluation are eligible for a step increase on their anniversary date until they have reached the last step on their pay range.
- F. Merit Hours. Non-represented employees who are compensated at Step 7 of the pay range and who receive an overall “exceeds job requirements” rating on their annual evaluation, shall be eligible to be awarded up to 42 merit hours. Merit hours eligible for award are based upon a percentage of annual hours worked and the month in which the employee was promoted to Step 7 according to the following schedule. Merit hours are pro-rated for part-time employees based upon the number of hours worked per year. Merit hours can be accrued up to a maximum of 84 hours.

Annual Review Month in Which Step 7 is Attained	Merit Hours Employee is Eligible for on the Next Annual Review
January 1	42
February 1	39
March 1	35
April 1	32
May 1	28
June 1	25

## 4.1 Employee Classification and Salary Plan

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July 1	21
August 1	18
September 1	14
October 1	11
November 1	7
December 1	4

If there are sufficient salary funds within their department budget, a department director may approve up to a maximum of 42 hours of earned merit leave be paid out to a non-represented employee in lieu of the employee taking the merit hours as vacation. The director must complete a Request for Cash Out of Merit Hours form and submit it to the Human Resources Department for verification of the eligible merit hours and processing through payroll. Merit hours must have been earned in the same calendar year as they are cashed out, and the director's reason for granting the cash out must meet one or more of the following conditions:

1. Granting the leave would result in a significant decrease in service to the public, the delay of completing an important project, the canceling of required training, or other hardship on the City.
2. The earned Merit Hours plus the employee's accrued vacation bank exceed 240 hours accrued leave, and it is unlikely that the employee will be able to utilize the merit hours before the year's end due to departmental workload and staff scheduling.

Merit hours that are cashed out are subject to payroll taxes and under the Department of Retirement System regulations do not count towards retirement service credits.

G. Job Description Change/Reclassification. (See Policy 4.2)

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4.2 Employee Reclassification

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Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish a policy and procedures for the reclassification of job positions.
2. ORGANIZATIONS AFFECTED: All departments/divisions where procedures are not specified by Civil Services Rules and Regulations.
3. REFERENCES: Equal Employment Opportunity Policy.
4. POLICY:

Employee Reclassification: It is the responsibility of supervisors to ensure that significant changes in duties to a position be reviewed by Human Resources in advance of assigning the work to an employee. Reclassifications and new classifications of positions must be approved as part of the biennial or mid-biennial review process in order to ensure sufficient budget for salary and benefit changes. Classification changes may be approved by Council when the required qualifications, duties, and/or responsibilities of a job change significantly from its current description.

Department directors are responsible for ensuring that the job descriptions for all the positions within their department are up-to-date and that each employee in their department is properly classified. It is also management's right and responsibility to determine how work will be distributed and performed. In doing this, management and supervisors have the right and responsibility to assign work, limit or reassign job duties to avoid "classification creep" which results in positions "creeping" into a classification in a higher pay range without first determining the need for such advancement as part of the City's budget process.

The City Manager has the authority to approve reclassifications within the existing classification system subject to funding within the City's budget and approval of the City Council. All new classification requests must be approved by the City Manager and confirmed by City Council.

- A. Reclassifications that Result in a Higher Salary Range. Upon approval of a reclassification to a position at a higher salary range, the employee will be compensated at a step which is at least one step higher than what they are currently paid, but not less than the first step or greater than the last step of the new range. If reclassification is concurrent with an employee's performance appraisal increase, then a salary increase for a performance-related action would also be made.

- B. Reclassifications that Result in Lower Salary Range. In the event an evaluation shows that a classification needs to be placed at a lower salary range, the incumbent will be placed at a step on the lower salary range that most closely matches their current salary rate. If the last step in the new range is lower than the incumbent's current salary rate, the employee's salary will be frozen (unaffected by cost-of-living increases) until the employee's "frozen" rate of pay falls within the new range as a result of market or cost of living adjustments to the salary schedule.

### 5. PROCEDURES:

- A. Procedure for Evaluating Classifications. The Department Director initiates a request for a review of proposed changes to a classification by submitting a written request to the Human Resources Director. A job analysis is conducted by Human Resources to determine whether the revisions to the position's duties, responsibilities or qualifications are at a significantly different level of responsibility from the current job description. Human Resources will review the results of the analysis with the Department Director and recommendations regarding appropriate classification of the position based upon internal alignment and external market conditions. Recommendations for approval of changes to classifications are submitted to the City Manager by the Human Resources Director, along with the concurrence or appeal of the Department Director. The City Manager's decision regarding a reclassification within the existing classification system is final and shall be included in the biennial or mid-biennial budget process for certification by City Council. All new classification requests must be approved by the City Manager and confirmed by City Council.
- B. Evaluation Criteria. The following criteria are used in evaluating (re)classification requests: changed duties that may result from additions, expansions or reductions of responsibilities; changed qualifications or training required for the position; consolidation or reassignment of duties which significantly change the position; the department's present and future organizational structure and service delivery needs.
- C. Timing of (Re)Classification Request. For budgetary reasons, positions must be submitted for evaluation by May of each year as part of preparation for budget amendments or the biennial budget process. The effective date of approved reclassifications is January 1 of the next budget year.

## COMPENSATION

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 5.1 Pay Days

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures for paydays.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Not applicable.
4. PROCEDURES:
  - A. Pay Days. All full-time and part-time regular, limited term, project term and temporary employees shall receive two paychecks each month on or before the 10th and 25th of the month. If the 10th or 25th of the month falls on a weekend or holiday, every effort will be made to deliver paychecks on the last work day prior.
    1. Employees Subject to Payroll Loan. On June 15, 1998, City Council approved a Memorandum of Understanding (MOU) with the City's three bargaining units and a like policy for Non-Represented Employees to mitigate a one-time payroll lag to implement changes to the pay period. The MOU provided for a one-time loan to employees who so requested it, in an amount up to 25% of the employee's monthly gross base wage, rounded to the next \$100. The provisions of the adopted MOU are incorporated herein by reference for Non-Represented Employees. Employees receiving this one-time loan must pay the loan amount back to the City prior to or upon termination of employment.
  - B. Direct Deposit. Employees may elect to have their paycheck direct deposited to one or more financial institutions by designating a depository. To activate this service, an "Authorization Agreement for Direct Deposit" must be completed by the employee and submitted to the Human Resources Department. Direct deposit funds are available for withdrawal the morning of each payday.
  - C. Compensation Upon Separation. The employee's last day on the job shall be their date of official separation for the purpose of computing final compensation. The employee's final paycheck will be paid in check form, not direct deposit on the next regular payday following their termination. If an employee terminates employment between the 16<sup>th</sup> and the end of the month they will receive their final paycheck on the 10th of the following month and if an employee terminates employment between the 1<sup>st</sup> and the 15<sup>th</sup> they will receive their final paycheck on the 25<sup>th</sup> of the month. The final paycheck will include all hours worked plus unpaid compensatory and vacation hours. Deductions from the final paycheck will be made for monies owed to the City under the provisions of the "one time advance" described in Section 4.A.1. of

these procedures, applicable State and Federal income taxes, and employee approved deductions for benefits (for example 457 contributions).

## 5.2 Hours of Work, Breaks, Days Off and Attendance

Personnel Procedures Approved: 7-20-2010

1. PURPOSE: To establish the work hours for City employees, and to provide for meal and rest periods.
2. ORGANIZATIONS AFFECTED: All Departments/division.
3. REFERENCES: Fair Labor Standards Act (FLSA) as amended, Washington State Wage Act (WSWA), RCW 49.46; RCW 49.60.030(g); WAC 296-126-092.
4. PROCEDURES:
  - A. Work Period. The normal work week for employees in the service of the City shall be forty (40) hours per week, except as stipulated by collective bargaining agreement. The City's default FLSA work week is 12:00 a.m. Monday through 11.59 p.m. Monday. However, with the approval of the Human Resources Director, departments have the authority to establish which day the week begins for establishing the work period.
    1. Lunch. City employees generally are entitled to one hour per day (unpaid) for lunch unless otherwise stipulated in bargaining agreement. City employees working more than three hours longer than their normal work shift are entitled to an additional 30-minute unpaid meal period before or during the overtime period.
  - B. Work Breaks. City employees may take a fifteen (15) minute (paid) break for each four (4) hours worked. Office personnel, who are not tied to rigid schedule, may schedule breaks at their own discretion so that breaks are not disruptive to the completion of assigned work or in serving the public. Field employees may have to adhere to a more rigid break schedule depending on the nature of the work and should schedule breaks in cooperation with co-workers and their supervisor. Employee breaks should not be taken at the beginning or end of a lunch hour or at the beginning or end of a workday. Break time not taken may not be carried forward to another day.
    1. Breastfeeding. For one year after the birth of a child, employees who are nursing are entitled to unpaid breaks of reasonable duration each time the employee has a need to express milk. FLSA Non-Exempt employees utilizing the standard 15-minute rest break, as described above, for expressing milk will be paid for the time. If a FLSA Non-Exempt employee is taking an additional break for the purpose of expressing milk, this break time will be unpaid unless the employee utilizes accrued sick or vacation leave, compensatory time or merit hours. Any leave used for this purpose should be accounted for in one-half hour increments on the employee's time sheet. The City will provide a location, other than a bathroom, that is shielded from view



## 5.2 Hours of Work, Breaks, Days Off and Attendance

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and free from intrusion from coworkers or members of the public, which may be used for this purpose. Employees will not be retaliated against for exercising their rights under this policy.

- C. Days Off. Full-time employees, except for Police and Fire personnel, generally have two specified days off per week.
  - 1. Emergencies or Delivery of Essential Services. In case of emergency or when required for the performance of essential public services, an employee may be required to work hours he or she is normally scheduled to be off.

**5.3 Overtime, Compensatory Time  
and Management Leave**

Personnel Procedures Approved: 1-16-2015

1. PURPOSE: To establish policies and procedures for the accrual and compensation of overtime and for the accrual of compensatory time off in lieu of payment for Fair Labor Standards Act (FLSA) Non-exempt employees, and for the provision of "Management Leave" for Non-Represented FLSA Exempt employees.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Washington State Wage Act (WSWA) RCW, 49.46, Federal Fair Labor Standards Act (FLSA) as amended.
4. POLICY: (See Section B - Management Leave)
5. PROCEDURES:
  - A. Overtime and Compensatory Time - Non-Exempt Employees.
    1. General Provisions.
      - a. Non-Exempt AFSCME represented employees earn overtime for each hour worked beyond the normal work week of 40 hours and as provided by contract.
      - b. Non-Exempt Police and Fire represented employees earn overtime for each hour worked beyond the FLSA work period and as provided by contract.
      - c. Non-Exempt, non-represented employees earn overtime for each hour over 40 per week.
    2. Compensation for Overtime. Overtime pay will be figured at the rate of one and one-half times the employee's regular rate of pay.
    3. Authorization for Overtime. Overtime shall be authorized only with the prior approval of the Department Director or designee.
    4. Compensatory Time Accrual. Compensatory time may be requested in lieu of overtime payment at the rate of one and one-half hours for each hour of overtime worked over 40 hours per week, up to a maximum accrual of 80 hours, or as provided by the applicable collective bargaining agreement. Accrued compensatory time in excess of 80 hours will be paid to the employee in the pay period in

### 5.3 Overtime, Compensatory Time and Management Leave

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which it is accrued. Employees must exhaust accrued compensatory time prior to utilizing accrued vacation leave.

- a. An employee who receives a regular appointment to a FLSA Exempt position from a FLSA Non-Exempt position shall have the choice to be paid their accrued compensatory time (at their regular hourly rate of pay in the Non-Exempt position) on the first pay period after the appointment, or to utilize the compensatory time within six (6) months of the appointment. Any unused accrued compensatory time at the end of the six months period shall be paid to the employee at their regular rate of pay in the FLSA Non-Exempt position.

5. Separation and Overtime Pay. Employees separating from employment with the City will be paid for any uncompensated overtime or accrued compensatory time with the last pay check.

#### B. Management Leave - Non-Represented FLSA Exempt Employees.

1. POLICY. Non-Represented FLSA Exempt employees often put in hours compensatory time off, to meet the demands of their position. While some extra work time is an expected component of these positions, the City wishes to provide a benefit in recognition of this service.

The City Manager is authorized to establish criteria for Non-represented FLSA exempt positions to be eligible for up to eighty (80) hours of Management Leave annually. Accrual of Management Leave shall be in addition to earned vacation benefits and is not intended to be balanced hour for hour with extra time worked.

The City Manager may approve an annual “buy-back” of accrued vacation leave of up to eighty (80) hours for eligible FLSA exempt employees. Employees shall not be entitled to Management Leave or payment in lieu thereof upon separation from service.

2. PROCEDURES. Management leave, which is paid leave, is provided in accordance with the following provisions:
  - a. Management Leave Accrual. Management Leave is available to employees working full-time in eligible non-represented FLSA exempt positions identified pursuant to the provisions of Section 5.B.2.e. Management leave shall accrue annually at the rate of eighty (80) hours (6.67 hours/month) effective January 1st of each calendar year and shall be prorated for eligible new employees based upon their month of employment or FLSA status change, with accruals beginning the first day of the month following their date of hire.

Accrued Management Leave equal to or less than one year's accrual will carry forward to the next calendar year, except that at no time shall the accrual exceed a maximum of one year's accrual (80 hours). Accruals will occur only when the employee's Management Leave balance is less than 80 hours. In other words, accruals will cease when an employee has "banked" a total of 80 hours Management Leave.

- b. Scheduling Management Leave. Management leave is granted in recognition of extraordinary time worked, and is intended to provide time off for recuperation. It must be taken in increments of no less than four hours at a time. Eligible employees must notify supervisors in advance of the time management leave is to be used and are expected to schedule such absence in a manner which will cause the least impact upon work within their department. Leave shall not be unreasonably denied.
- c. Buy-Back of Accrued Vacation Leave. In December of each year, the City Manager may approve a "buy-back" of accrued vacation leave of up to eighty (80) hours for eligible FLSA exempt employees in cases where Management Leave or Vacation leave was scheduled and could not be taken due to extraordinary circumstances (For example: the leave was denied or an unforeseen shortage of staff necessitated the employee stay to complete a time-sensitive project). Buy-back of vacation leave will not be granted if the requested amount for "buy back" results in the employee's accrued vacation leave bank totaling less than ninety-six (96) hours of leave.
  - i. Procedure for Requesting "buy-back" of Vacation Leave. Pursuant to this section, an employee must submit any request for "buy-back" of accrued vacation leave in writing to their immediate supervisor by December 1. The request must be specific enough to explain the extraordinary circumstances that warrant the request. If the direct supervisor is not the department head, then the Department Director must approve the request to move forward to the City Manager. All requests must be submitted to the City Manager by December 10, and the City Manager's decision on the request is final.

### 5.3 Overtime, Compensatory Time and Management Leave

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- d. It is recognized that non-represented FLSA exempt positions work in excess of 40 hours/week from time to time and that some are not eligible for 80 hours of Management Leave. Such non-represented FLSA exempt positions will be eligible for 40 hours of Professional Leave each year and subject to the following:
  - i. Administration shall be the same as noted above for Management Leave, except that Professional Leave may be taken in increments of no less than two hours at a time.
  - ii. Accrual shall be at the rate of 3.33 hours/month to a maximum accrual of 40 hours.
  - iii. Hours equal to or less than 40 hours can be carried forward to a new year but accruals will occur only when leave balance falls below 40 hours.
  - iv. Eligible employees must notify supervisors in advance of the time professional leave is to be used and are expected to schedule such absence in a manner which will cause the least impact upon work within their department. Leave shall not be unreasonably denied.
  - v. In December of each year, the City Manager may approve a "buy-back" of accrued vacation leave of up to forty (40) hours for eligible FLSA exempt employees in cases where Professional Leave or Vacation leave was scheduled and could not be taken due to extraordinary circumstances. Buy-back of vacation leave will not be granted if 1) the employee has ninety-six (96) hours or less of accrued vacation leave, or 2) if the requested amount for "buy back" results in the employee's accrued vacation leave bank totaling less than ninety-six (96) hours of leave.
  - vi. In no event will employees covered by this section be entitled to Professional Leave or payment in lieu thereof upon separation from service.
- e. Eligible Employees. The Human Resources Department shall maintain a list of FLSA exempt non-represented positions that are eligible for Management Leave and Professional Leave. Positions may be eligible for Management Leave if there is evidence that the position requires frequent and regular extraordinary hours of work over the course of a year, the Department Director has recommended the position for the

### 5.3 Overtime, Compensatory Time and Management Leave

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leave, the Human Resources Director supports the recommendation, and the City Manager has approved the position to be included on the eligible list. Non-represented FLSA Exempt positions not eligible for Management Leave shall be eligible for Professional Leave.

**5.4 Callback**

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish the City's procedures with respect to non-represented employees called back to work after regularly scheduled working hours. Represented employees' callback provisions are contained in the collective bargaining agreements.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Disaster Preparedness Plan.
4. PROCEDURES:
  - A. Non-represented Non-exempt Personnel. Non-exempt personnel called back to work after working a regular shift, will receive overtime at the rate of one and one-half (1.5) times regular pay for hours worked over 40 in a week.
  - B. Non-represented Exempt Personnel. Exempt personnel called back to work are not eligible to earn overtime pay or accrue compensatory time for hours worked on callback, but may be eligible to earn Management Leave or Professional Leave per Personnel Procedures 5.3.5.B.
  - C. Emergency Response. All City employees are expected to support their departments' emergency operations responsibilities per the Disaster Preparedness Plan once family responsibilities are met.

## BENEFITS

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: 1323 (2014)

### 6.1 Health Insurance

Personnel Procedures Approved: 11-5 -2014

1. PURPOSE: To establish the City policy and procedures on the provision of health insurance benefits for employees.
2. ORGANIZATIONS AFFECTED: Regular, limited term, and project term full-and part-time, variable-hour, and seasonal employees in all departments/divisions.
3. REFERENCES: For complete details, refer to benefit descriptions, the text of the Affordable Care Act (ACA), and any applicable collective bargaining agreements.
4. POLICY:
  - A. The City provides group medical, dental and vision insurance programs for its employees and their dependents (including legal spouses or domestic partners, and dependent children). Employee participation in the cost of health benefits are determined by the terms of applicable collective bargaining agreements and the City Council.
    1. Except as provided otherwise by the terms of any applicable collective bargaining agreement: 1) Regular, limited term and project term employees who are employed a minimum of thirty (30) or more hours a week or 1560 hours/year (see Section 5.B below) are considered "full time" employees for the purpose of receiving health benefits and shall receive full health care benefits; 2) Regular, limited term and project term employees who are employed at least twenty (20), but less than thirty (30) hours a week are considered "part-time" employees and shall receive pro-rated benefits based upon the number of hours in their regularly scheduled work period.
    2. In order to be eligible for domestic partner benefits, the employee and his/her domestic partner must meet the qualifications under RCW 26.60 and be registered as domestic partners with the State of Washington.
  - B. Medical & Dental Insurance: Effective January 1, 2015, the City will pay a percentage of the total cost of medical and dental insurance premiums for Non-Represented employees as established by the following tables. Contributions to the employee's Health Savings Account (HSA) require that the employee, or employee and eligible spouse/domestic partner and dependents, are enrolled in the City's High Deductible Health Plan (HDHP).



AWC HealthFirst			
Effective Date	Enrollment	City Contribution	Employee Contribution
2015 thru 2017 ( <i>Plan terminates 12/31/2017</i> )	Employee	100%	0%
	Spouse/Domestic Partner & Dependents	80%	20%
AWC Group Health			
Effective Date	Enrollment	City Contribution	Employee Contribution
2015 thru 2017	Employee	100%	0%
	Spouse/Domestic Partner & Dependents	80%	20%
2018	Employee	100%	0%
	Spouse/Domestic Partner & Dependents	90%	10%
AWC High Deductible Health Plan			
Effective Date	Enrollment	City Contribution	Employee Contribution
2015 thru 2017	Employee	100%	0%
	Spouse/Domestic Partner & Dependents	95%	5%
2018	Employee	100%	0%
	Spouse/Domestic Partner & Dependents	90%	10%
Dental Plan			
Effective Date	Enrollment	City Contribution	Employee Contribution
2015	Employee	100%	0%
	Spouse/Domestic Partner & Dependents	90%	10%

- C. Vision Insurance: The City will pay 100% of the coverage of vision insurance premiums for the Employee, Spouse/Domestic Partner and employee dependents.

- D. Medical Insurance “Opt Out” Election: Benefit eligible Non-Represented employees may choose to “opt out” of the City’s medical insurance coverage and be eligible to receive a premium rebate as follows. (Note: for the employee to “opt out” they must provide annual proof of coverage for themselves under another group medical insurance plan. (Proof of coverage may also be requested by the City at any other time.) Monthly rebates shall be divided among pay periods (24 per year) and pro-rated for eligible part-time employees and period worked. New employees who opt out shall be eligible for a rebate the first pay period they are employed.

	<b>Employee Opt Out</b>	<b>Spouse/Domestic Partner and Dependents Opt Out</b>
Monthly Rebate	\$110.00	\$220.00
Requirement	Must provide annual proof of coverage and enrollment under another group medical insurance plan.	Employee declines coverage for eligible spouse/domestic partner and dependents.

- E. Health Savings Accounts: Effective 2015, the City shall provide the following contributions to the associated HSA of Non-Represented employees who enroll themselves, or themselves and their spouse/domestic partner and dependents in the AWC High Deductible Health Plan. The City will make contributions each pay period to the HSA for each employee enrolled in the HDHP, and employees beginning or leaving employment mid-year will receive pro-rated contributions.

<b>Enrollment</b>	<b>Year</b>	<b>City Contribution</b>
Employee	2015	\$3,350
EE with Spouse/Domestic Partner and/or Dependents		\$6,000
<b>Enrollment</b>	<b>Year</b>	<b>City Contribution</b>
Employee	2016	\$2,850
EE with Spouse/Domestic Partner and/or Dependents		\$5,100
<b>Enrollment</b>	<b>Year</b>	<b>City Contribution</b>
Employee	2017	\$2,423
EE with Spouse/Domestic Partner and/or Dependents		\$4,335

Enrollment	Year	City Contribution
Employee	2018	Match up to \$1,000
EE with Spouse/Domestic Partner and/or Dependents		Match up to \$2,000

## 5. PROCEDURES.

- A. The City reserves the right to change the carrier or the funding mechanism for benefits provided under this section, and to discuss with employees plans to materially change the benefits.
- B. Regular, limited term, and project term employees who work a variable amount of hours, not reasonably estimated by the City, are considered “variable-hour” employees and shall receive full, pro-rated, or no health care benefits depending on the total hours worked (see below).
- C. Seasonal employees are those employees for which the customary annual employment with the City is six months or less, beginning in the same season of each year, and for which the type of work performed is seasonal in nature. Seasonal employees are required to take a continuous six month break in service before being eligible for re-hire by the City. Seasonal employees are not eligible for health care benefits.
- D. Volunteers are not employees and are not eligible for health care benefits.
- E. Positions funded for less than 30 hours/week. No part-time or variable-hour employee hired into a position with approved funding for less than 30 hours a week shall be allowed to work more than 29 hours/week without advance approval from Human Resources.
- F. Eligibility for Health Care Coverage: Unless a later date is agreed to by the employee and the City, health insurance coverage begins on the first date of employment by the City. In no event, however, shall the date of enrollment be later than 90 days following the date of hire (refer to health benefit policies for other conditions of coverage).
  - 1) In compliance with the Affordable Care Act, the City has adopted the following measurement periods for determining “full time” status of employees for the purpose of determining eligibility for health benefits.
    - a. Initial Periods. The City uses an Initial Measurement Period and Initial Administrative Period to measure the hours of new part-time, variable-hour, and seasonal employees. Initial Measurement

Periods and Initial Administrative Periods are used to determine whether new employees work an average of 30 hours or more per week and thereby qualify for health benefits during resulting Initial Stability Periods. The process is described as follows:

- i. Initial Administrative Period (Phase 1):  
Begins on the date of hire for new part-time, variable-hour, and seasonal employees, and continues until the last day of that calendar month.
- ii. Initial Measurement Period:  
Begins on the first day of the first full calendar month following date of hire and continues for 12 months.
- iii. Initial Administrative Period (Phase 2):  
Begins on the first day of the first full calendar month following the Initial Measurement Period and lasts for the entire month. This phase allows for the calculation of hours worked by employees during the Initial Measurement Period and to enroll eligible employees in health coverage.
- iv. Initial Stability Period:  
Begins on the first day of the first full calendar month following Phase 2 of the Initial Administrative Period and continues for 12 months.

If a new employee works an average of 30 hours or more per week during an Initial Measurement Period, the employee will be deemed a Full-Time employee and will be eligible for health coverage during the Initial Stability Period, regardless of the hours worked during the Initial Stability Period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the Initial Measurement Period, the employee will not be deemed a Full-Time employee and will not be eligible for health coverage during the Initial Stability Period.

- b. Standard Periods. The City uses a Standard Measurement Period and Standard Administrative Period to measure the hours of ongoing part-time, variable-hour, and seasonal employees hired on or before the start of a Standard Measurement Period. Standard Measurement Periods and Standard Administrative Periods are used to determine whether ongoing employees work an average of 30 hours or more per week and thereby qualify for health benefits during resulting Standard Stability Periods. The process is described as follows:

Standard Measurement Period (12 months):  
December 1 through November 30

Standard Administrative Period (31 days):  
December 1 through December 31

Standard Stability Period (12 months):  
January 1 through December 31

If an ongoing employee works an average of 30 hours or more per week during a Standard Measurement Period, the employee will be deemed a Full-Time employee and will be eligible for health coverage during the resulting Standard Stability Period, regardless of the hours worked during the Standard Stability Period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the Standard Measurement Period, the employee will not be deemed a Full-Time employee and will not be eligible for health coverage during the resulting Standard Stability Period, regardless of the hours worked during the Standard Stability Period.

- c. Overlapping Periods. New part-time variable hour, and seasonal employees will be measured by both the City's Initial Measurement Periods and the first Standard Measurement Periods beginning on or after the date of hire.

- 2) Hours Calculations/Calculating Paid and Unpaid Leave: To determine the average hours worked by employees during Initial Measurement Periods and Standard Measurement Periods, the City will divide the total hours worked by 52.

Hours of service include both actual hours worked by employees in addition to paid hours for vacation leave, sick leave, holiday leave, or other paid leave.

Periods of unpaid leave, including unpaid FMLA or military leave, are excluded from hours of service and are not considered when determining the average hours worked during Initial Measurement Periods or Standard Measurement Periods. For example, if an employee takes four (4) weeks of unpaid leave during a measurement period, the four weeks are excluded from the hours calculation, with only 48 weeks

- G. Dependents: Employees may cover dependents up to age 26. Employees seeking to enroll their dependents in health coverage and who are regularly scheduled to work year-round at least 20 hours a week—but less than 30 hours a week—must pay pro-rated portion of the monthly health premiums.

- 1) Changes in Dependent Eligibility. Dependents must be added to or dropped from health plans during the annual open enrollment period unless there is a qualifying event such as a divorce or the dependent obtains other coverage. It is each employee's responsibility to notify the Human Resources Department in writing of any change in the eligibility

status of their dependents for the purposes of health and COBRA benefits. Failure to notify Human Resources of reduction in dependent status will result in the employee being required to reimburse any unnecessary health care premiums paid by the City for the employee's dependent health care. The City is not liable for medical expenses or retroactive health care premiums incurred by the employee as a result of the employee failing to notify Human Resources of the addition of new dependents.

- 2) Health benefit eligible employees who share a dependent or dependents may only enroll the dependent or dependents under one of the employees' health plans. The City will not pay the employer portion for dependent coverage under both plans. Employees who receive health benefits as an employee of the City may also cover themselves or their separate dependents under the spouse's or domestic partner's City health plan, but entirely at their expense.

- H. Compliance with Enrollment Policies: To be enrolled in health coverage with the City, eligible employees must comply with all applicable application requirements and deadlines. Failure to do so may result in delayed or no enrollment until the next annual enrollment period or upon a qualified change in status.
- I. Benefits upon Separation. Upon separation, benefits will continue through the end of the month in which the employee separated from service. Employees enrolled in the City's health plans are eligible for continuation of benefits through COBRA. When separating from service employees should contact Human Resources for more information.

## BENEFITS

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: 1218-2008

### 6.2 Retirement Benefits

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish the City's participation in the Washington State Department of Retirement Systems (DRS).
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: RCW 41.40 and RCW 41.26. Refer to PERS, PSERS and LEOFF Member Handbooks provided by the Department of Retirement System for details.
4. PROCEDURES:

City employees are covered under the Washington State Department of Retirement Systems (DRS) in accordance with State law. All employees in a qualifying position, regardless of appointment status, will become members of the Public Employees' Retirement System (PERS), Public Safety Employees' Retirement System (PSERS) or Law Enforcement Officers and Fire Fighters (LEOFF).

- A. Benefits accrue from both the City's and the employee's contributions, which will be made in the form of payroll deductions during the period of time the employee is an active member of the system. Contribution levels are subject to change by the Department of Retirement Systems. Payroll deduction for employee contributions is required, regardless of anticipated length of service. Employer contributions will be made in accordance with applicable State law.
- B. Uniformed personnel shall be members of the Washington State Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) with employer contributions made in accordance with applicable State law.
  1. Benefits accrue from both the City's and the employee's contributions, which will be made in the form of payroll deductions during the period of time the employee is an active member of the system. Contribution levels are subject to change by the Department of Retirement Systems. Payroll deduction for employee contributions is required, regardless of anticipated length of service. Employer contributions will be made in accordance with applicable State law.
- C. Employees having questions about the PERS, PSERS, or LEOFF retirement systems should contact Washington State Department of Retirement Systems or visit their website (<http://www.drs.wa.gov>). Informational brochures may also be obtained from the Human Resources Department.

## BENEFITS

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: 1218-2008

### 6.3 Disability, Life and Accidental Death & Dismemberment Insurance

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish the City policy and procedures on the provision of death and disability insurance benefits provided to City employees.
2. ORGANIZATIONS AFFECTED: All departments/divisions regular, project term and limited term employees who work at least 20 hours per week.
3. REFERENCES: RCW 41.26 (Law Enforcement Officers and Fire Fighters Retirement System). For complete policy details, refer to benefit description.
4. POLICY:

The City of Bothell provides disability, life, and accidental death and dismemberment (AD&D) insurance to all regular, project term and limited term employees who work at least 20 hours per week. This policy does not include temporary employees.

5. PROCEDURES:
  - A. Disability insurance is intended to provide the employee with income protection if the employee becomes disabled as a result of a illness, accidental injury or pregnancy.
    1. Eligibility for Disability Insurance. To be considered eligible for disability insurance an employee must be unable, as a result of any illness or accidental bodily injury to perform the essential functions of the employee's job.
  - B. Life insurance is intended to provide the employee's designated beneficiary with monetary benefits in case of the death of the City employee.
  - C. Specific coverage and benefits are determined by the insurer, the job classification to which the employee is assigned, and the date on which the employee began working. See specific insurance policies for claims and benefits for each condition described in this section.
  - D. Law Enforcement Officers and Firefighters Short-term Disability for LEOFF I. The City purchases short-term disability insurance to cover LEOFF I employees in order to ensure reimbursement to the City for payment of full wages for LEOFF I employees who become eligible for permanent disability benefits after six (6) months. A LEOFF I employee is a firefighter or law enforcement officer who works at least 20 hours each week and who was hired before October 1, 1977.



### 6.3 Disability, Life and Accidental Death & Disability (AD&D) Insurance

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- E. Long-term Disability for LEOFF-II and Other City Employees. The City provides long-term disability insurance to all City employees, including LEOFF II employees and excluding LEOFF I and temporary employees. Employees must be regularly scheduled to work at least 20 hours each week to be eligible for these benefits.
- F. LEOFF II ONLY. Under the State Supplemental Disability Law, the City will pay 50% of the difference between benefits earned from State of Washington Industrial Insurance benefits and wages normally earned by the LEOFF II employee.
- G. Long-term Disability - Continuing Eligibility. Long-term disability benefits are subject to the Plan provisions. Employees on disability should contact Human Resources regarding continuing eligibility.
  - 1. Care by a Physician. While receiving long-term disability benefits, the employee shall be under the care of a licensed physician. Receipt of continued benefits is contingent upon verification by the attending physician that a disability is present.
- H. Disability insurance benefits are calculated based on the wages earned at the time the disability occurred. Retroactive pay increases do not change the disability benefits.
- I. The amount of disability benefits paid under the disability insurance policy will be reduced by any benefits received under Social Security, Workers' Compensation, PERS or any other source under the terms of the policy.

**6.4 Employee Assistance Program**

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: It is the goal of the City to promote the health and well being of City employees by providing counseling and referral services through an Employee Assistance program (EAP).
2. ORGANIZATIONS AFFECTED: All department/divisions.
3. REFERENCES: Not applicable.
4. POLICY:

The City provides an Employee Assistance Program which provides an opportunity for an employee and/or their dependents to consult with a professionally trained counselor regarding stressful life situations. All regular, project term, and limited term full-time and part-time employees (20 hours or more per week, including part-paid volunteer Firefighters) are eligible for EAP services.

5. PROCEDURES:

A counselor helps assess whatever personal or professional problems the employee or their dependent(s) is experiencing and refers them to the community resource best able to help.

- A. The Program is Voluntary. EAP services are voluntary and for the benefit of the employee.
- B. Confidentiality. Information on the nature of an employee's problem will be confidential and will not be made available to the City or other agencies/individuals without the employee's expressed consent, unless required by law. The following are the only exceptions to the confidentiality procedures:
  1. The EAP counselor is required by law to report child abuse to the proper authorities.
  2. Apparent cases of discrimination or sexual harassment will be reported to the Human Resources Director because of the City's liability.
  3. Threat of personal harm to other employees.
  4. Highly suicidal or homicidal people.

## 6.4 Employee Assistance Program

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- C. Affect of Program on Job. No employee will have his or her job security or promotion opportunities jeopardized by a request for counseling and referral assistance.
- D. Referral and Assistance. Employees will be encouraged to voluntarily seek counseling and information on a confidential basis by contacting the EAP counselor directly and all employees shall receive the same consideration regardless of whether the problem is mental, emotional and/or related to the employee's use of alcohol or other drugs.
- E. Supervisor Referrals. Referrals by supervisors will be based solely on job performance. Supervisors shall not be concerned with employee's use of alcohol or other drugs or personal problems, except to the extent that an employee's job performance is affected negatively.
- F. A complete description of the EAP can be obtained from the Human Resources Department and the vendor website is available through the City's intranet website.

**6.5 Flexible Spending Account**

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: It is the purpose of this policy to provide an employee benefit to regular, project term and limited term City employees, known as a Flexible Spending Account under the Internal Revenue Code Section 125.
2. ORGANIZATIONS AFFECTED: All represented City employees whose collective bargaining representatives have agreed to said benefit by contract, and all regular, project term and limited term Non-Represented City employees.
3. REFERENCES: United States Internal Revenue Code Section 125.
4. POLICY: The City provides access to a Flexible Spending Account (FSA) is to provide an opportunity for employees to elect to have pre-tax payroll deductions made in order to set aside funds to pay for qualified expenses. All regular, project term, limited term Non-Represented City employees whose regular work schedule is twenty (20) or more hours per week are eligible for this benefit.

The administrative costs of the Flexible Spending Account will be paid by the City. Employee contributions to the FSA will be made by employee-paid payroll deductions.

5. PROCEDURES:
  - A. Employees may elect to reduce their salary as of their entry date into the plan for the following:
    1. Health or Health Related Insurance Premium Reimbursement
    2. Health or Health-Related Expense Reimbursement
    3. Dependent Care Reimbursement.

Qualified expenses are determined by Internal Revenue Code (IRC) Section 125. This policy does not add to or modify law. All plan provisions shall be established by the City by agreement with the Plan Administrator.

## BENEFITS

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: 1274-2011

### 6.6 Deferred Compensation

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish the City policy on deferred compensation benefits for Non-Represented employees.
2. ORGANIZATIONS AFFECTED: Regular, limited term, and project term full-time and part-time Non-Represented employees in all departments/divisions.
3. REFERENCES: For complete details, refer to benefit descriptions.
4. POLICY: The City will provide a deferred compensation (457) plan for Non-Represented employees
5. PROCEDURES: The City contracts with ICMA-RC to provide a 457 deferred compensation plan for non-represented employees. Employees are eligible to sign up for and contribute to this plan upon employment, and are encouraged to contact Human Resources if they have questions about the benefit or wish to change their personal contribution.

## LEAVE

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 7.1 Leave with Pay

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To set forth the City's procedures regarding leave with pay for regular employees.
2. ORGANIZATIONS AFFECTED: All departments/divisions where procedures are not specified. Regular and limited term full-time employees. Temporary, limited term and regular part-time employees as indicated.
3. REFERENCES: Not applicable.
4. PROCEDURES:

The following types of leave with pay are officially established for all eligible regular, project term and limited term employees in service with the City of Bothell, and shall be in effect unless otherwise provided:

- Annual Vacation Leave
- Sick Leave
- Holidays
- Bereavement Leave
- Military Leave
- Family Medical Leave
- Shared Leave
- Jury Duty/Court Appearances/Civil Leave
- Management and Professional Leave (See Policy 5.3)
- Merit Hour Leave (See Policy 4.1)

All leave with pay is subject to the prior approval of the Department Director or their designee. See specific provisions of each subsection.

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7.2 Annual Vacation Leave

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Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To set forth the City's policy and procedures on annual vacation leave.
2. ORGANIZATIONS AFFECTED: All departments/divisions. Except where stated differently in a bargaining agreement, full-time and part-time regular, project term and limited term employees as indicated. Does not apply to temporary employees.
3. REFERENCES: Not applicable.
4. POLICY:

All regular, project term and limited term employees accrue vacation leave beginning with their first day of employment. Regular Non-Represented employees whose appointment is for less than 40 hours/week, but at least 20 or more hours per week, accrue vacation leave on a pro-rated basis. Non-Represented employees accrue vacation leave according to the following schedule:

<u>Completed Years of Continuous Full-Time Service from Date of Hire</u>	<u>Annual Accrual for Full-Time Employees</u>
0 to 3 years of service	12 days
4 to 8 years of service	15 days
9 to 13 years of service	18 days
14 to 18 years of service	20 days
19 and more years of service	22 days

Up to two year's accrual (based upon the employee's current rate of accrual) may be carried over to the following calendar year. Unexpended vacation leave at the end of each calendar year or upon separation from service in excess of the amount earned in a two year period shall be forfeited by the employee. Employees, except upon separation from service, and as provided for under Management Leave and employment agreements executed between the City Manager and Department Directors/Senior Managers, shall not be entitled to pay in lieu of using vacation leave. "At will" employment agreements for Department Directors/Senior Managers may provide a one-time cash-out of up to fifty percent of the employee's accrued vacation leave.

5. PROCEDURES:
  - A. New Employees. New employee accruals may only be used after successful completion of the employee's six month probationary period of employment, or after six months service for new employees serving a twelve month probationary period. Vacation leave must be earned before it can be taken.

## 7.2 Annual Vacation Leave

Page 2 of 2

- B. Accrual. Vacation leave accrues each pay period based on working a full-time, 40 hour per week schedule.
- C. Scheduling of Annual Vacation Leave. Vacation leave is granted at a time approved by the Department Director (or their designee) in consideration of the needs of the department and the desires of the employee.
- D. Separation from Service. Upon separation from service with the City, regular, post-probationary employees are paid for all unused vacation leave earned within the stated limitations.
- E. Rate of Pay. While on vacation leave, employees are paid at their current rate of pay.



## 7.3

## Sick Leave

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish the City's policy and procedures for providing paid sick leave to employees.
2. ORGANIZATIONS AFFECTED: All departments/divisions. Full time and part time regular, project term and limited term employees as indicated. Does not apply to temporary employees.
3. REFERENCES: See collective bargaining agreements.
4. POLICY:

All regular, project term, limited term and probationary, employees shall accrue eight (8) hours of paid sick leave for each month of continuous full-time service beginning with the first full or partial month of service. Regular part-time employees accrue sick leave on a pro-rated basis. Accrual begins on the month employed or portion thereof. Any sick leave accrued which is unused in any year shall be accumulated for succeeding years up to a maximum of nine hundred and sixty (960) hours.

- A. Sick Leave Incentive Program. Employees are eligible for an incentive for reduced use of sick leave for each calendar year. The calculation of sick leave used does not include approved Family & Medical Leave. Sick leave incentive will be awarded as follows:

- Less than 11 hours of sick leave used in the previous calendar year - 16 hours of vacation added to the employee's vacation leave bank.
- Between 11 and 20 hours of sick leave used in the previous calendar year - 8 hours of vacation added to the employee's vacation leave bank.

For eligible new employees who have satisfactorily completed their Probationary Period, the sick leave incentive benefit will be pro-rated based upon the number of months worked during the calendar year.

- B. Non-Represented Employee Sick Leave Incentive Bank. Subject to the provision of the City's Retiree Health Savings Plan, once a non-represented employee has reached the maximum sick leave accrual identified above, a separate bank of additional sick leave hours will be established. This will be known as the "sick leave incentive bank", which will have a maximum accrual cap of 960 hours. Employees may only add to the sick leave incentive bank when they are at the maximum accruable hours of their regular sick leave bank. Sick leave may not be drawn from the sick leave "incentive" bank unless the employee authorizes the use of sick leave "incentive" bank hours.

Upon separation from service in good standing, non-represented employees will be reimbursed a percentage of the cash value of the accrued leave at their current rate of pay for all hours in their sick leave "incentive" bank based upon the following schedule:

Voluntary termination	10%
Layoff or Retirement	20%

Retirement for the purposes of this policy refers to an employee who is eligible and has made application to begin collecting retirement benefits from Washington State Retirement Systems at the time of separation from service with the City.

5. PROCEDURES:

A. Granting of Sick Leave. Sick leave may be used for the following reasons:

1. Personal illness or physical incapacity resulting from causes beyond the employee's control;
2. Enforced quarantine of the employee by a physician;
3. Medical (including vision), dental or medically prescribed psychiatric or psychological treatment for the employee;
4. To care for the employee's child if the child has a health condition that requires treatment or supervision, or for a spouse/domestic partner, or parent who has a serious health condition or emergency condition.
  - a. You may use accrued vacation or compensatory time to care for the above-listed family members, subject to the same notice and accounting procedures as for sick leave, described below.
  - b. Where the employee is responsible for care of immediate family members (see Definitions, 1.2) other than those listed above, the use of sick leave may be granted by the City, upon request.

B. Sick Leave Accrual While on Leave Without Pay Status. Sick leave shall not accrue during leaves of absence without pay.

- C. Notification of Supervisor. An employee must notify the supervisor or their designee by phone call of their absence from work, at the earliest time possible prior to the beginning of the employee's regular shift and the reason for the sick leave taken.
- D. Accounting of Sick Leave. Absence for part of a day for reasons in accordance with these sick leave provisions shall be charged against accrued sick leave in a minimum amount of one-half hour increments.
- E. Doctor's Certificate. The City may require a doctor's certificate after three (3) consecutive work days of absence to verify legitimate use of sick leave.
- F. Sick Leave Abuse. An employee found to have abused sick leave privileges by falsification or misrepresentation may forfeit sick leave compensation or be subject to other disciplinary action, up to, and including, termination of employment.
- G. In order to be granted sick leave with pay, an employee eligible for sick leave under this section must have notified their supervisor according to the provisions of this chapter or applicable bargaining agreement.

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7.4 Holidays

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Personnel Procedures Approved: 1/19/2012

1. PURPOSE: To establish those dates recognized as holidays by the City.
2. ORGANIZATIONS AFFECTED: All departments/divisions. Regular, project term and limited term full-time and part-time employees as indicated. Does not apply to temporary employees.
3. REFERENCES: See collective bargaining agreements.
4. POLICY:

The following holidays will be granted to all regular, project term, limited term, and probationary non-represented employees and to part-time regular, project term and limited term employees (on a pro-rated basis) when a holiday occurs on a regularly-scheduled workday:

<u>Holiday</u>	<u>Date Observed</u>
New Year's Day	First day of January
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
Two (2) Floating Holidays	

5. PROCEDURES:
  - A. Holiday Falls on Saturday or Sunday. If any holiday mentioned above falls on a Saturday, the preceding Friday shall be given as a holiday. If the holiday falls on a Sunday, the following Monday shall be granted as the holiday.
  - B. Holiday Falls on Day Off. If a holiday falls on an employee's regularly scheduled day off, the employee shall be granted another day off during the work week in which the holiday was observed.
  - C. Holiday During Annual Vacation Leave. When a holiday falls within a period of paid leave, the holiday shall not be counted in computing the amount of paid leave used.

- D. To be eligible for holiday pay, an employee must be on paid status the work day immediately preceding and the work day immediately following a holiday.
- E. Floating Holiday.
  - 1. In addition to the observed holidays, regular, project term and limited term employees shall be granted two (2) non-cumulative personal holidays each calendar year provided the employee has been employed by the City for at least six (6) months. Floating holidays must be taken in eight hour increments.
  - 2. If not used within the calendar year, the floating holidays may not be carried over into the next year, and are not eligible for cash out upon separation from service.
  - 3. Employees request to schedule a floating holiday off will follow the same provisions that apply to vacation leave.

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7.5 Bereavement LeavePersonnel Procedures Approved: 5/8/2008

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1. PURPOSE: To set forth the City's policy and procedures on granting bereavement leave.
2. ORGANIZATIONS AFFECTED: All departments/divisions. Regular, project term, limited term and probationary full-time and regular, project term, limited term and probationary part-time employees as indicated. Does not apply to temporary employees.
3. REFERENCES: Not applicable.
4. POLICY:

Non-Represented Employees may be granted up to three (3) days per death of leave without loss of pay because of death of a member in their immediate family as defined in the definitions section. Regular, project term, limited term and probationary status employees are eligible for bereavement leave. Part-time employees may use bereavement leave on a pro-rated basis. An employee may be granted up to two hours paid leave to attend a funeral held during the employee's regular work day for a fellow City employee.

5. PROCEDURES:
  - A. Bereavement leave in excess of 3 days per death will be charged against sick leave or annual vacation leave.
  - B. The granting of bereavement leave to attend a funeral of a fellow City employee shall be at the discretion of the department director.
  - C. In order to be granted bereavement leave with pay, an employee eligible for bereavement leave under this section must notify their supervisor as soon as possible and receive approval from their supervisor. Leave in excess of three days may be approved by the department director and charged to the employee's sick leave accrual, or if there is no sick leave the employee's vacation leave shall be charged. Approval from the City Manager must be obtained for leave in excess of five (5) days.

## LEAVE

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 7.6 Military Leave

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To set forth the City's procedures for granting a leave of absence to employees active in the reserve military, National Guard, or who volunteer or are called for active military duty.
2. ORGANIZATIONS AFFECTED: All departments/divisions. Regular, project term, limited term and probationary full-time and regular, project term, limited term and probationary part-time employees as indicated. Temporary employees are not eligible for paid military leave.
3. REFERENCES: Revised Code of Washington (RCW) 38.40.060 and RCW 73.16; The Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C § 4303 et seq.
4. PROCEDURES:
  - A. National Guard/Reserve Duty. Any employee who is a member of the State National Guard or a United States Reserve Military Unit, shall be entitled to up to 15 working days (120 hours) [effective June 12, 2008, 21 working days (168 hours)] paid leave during each year beginning October 1 and ending the following September 30 for the purpose of performing officially ordered duty or traveling to and from such duty.
    1. Such military leave shall be in addition to any other leave or vacation benefits.
    2. Regular part-time employees are entitled to paid military leave on a pro-rated basis.
  - B. Military Duty. Employees who are called or volunteer for service in the Armed Forces of the United States or the National Guard shall be entitled to unpaid leave, benefits, and consideration for reinstatement in accordance with the laws of the United States and the State of Washington.
  - C. Employees Filling Vacant Positions due to Military Service.
    1. Promotions. An employee promoted as a result of a vacancy created by an employee serving in the Armed Forces, shall hold such a position subject to the reinstatement of the employee returning from military service if the returning employee requests reinstatement within ninety (90) days from date of discharge from the armed forces. The employee affected by the return shall be restored to the position they had held previously or any other equivalent position.

2. New Hire. A new employee, hired to fill a vacancy created by an employee serving in the Armed Forces, and who has successfully completed the probationary service period, shall hold the position subject to the reinstatement of the employee returning from military service if the returning employee has requested reinstatement within ninety (90) days from the date of discharge from the armed forces. An employee affected by the return shall be placed in as nearly equal a vacant position as may exist, or, if no position exists, may be subject to layoff.

In order to be granted Military Leave with pay for Reserve of National Guard duty (up to 15 days per calendar year), employees taking military leave shall notify their Department Director or Supervisor as soon as possible, but no later than five (5) days after receiving their military assignment.

- D. Family Military Leave. Effective June 12, 2008, City employees who are spouses of military personnel are entitled to up to 15 days unpaid leave while their spouse is on leave from deployment, or before and up to deployment, during times of military conflict declared by the President or Congress, subject to the following:
  1. The employee must work on average of twenty (20) or more hours a week.
  2. Leave is without pay, but accrued vacation or compensatory time may be used.
  3. The employee must provide his/her supervisor with notice of the employee's intention to take leave within five (5) business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty.



## 7.7 Family and Medical Leave

Personnel Procedures Approved: 4/27/09

1. PURPOSE: It is the purpose of these procedures to set forth employee rights and obligations regarding family and medical leave.
2. ORGANIZATIONS AFFECTED: All departments and divisions. For LEOFF employees, greater leave benefits may apply; the benefits set forth in this policy are not in addition to other LEOFF benefits. Refer to RCW 41.26, and City of Bothell LEOFF-I Disability Retirement Board Rules.
3. REFERENCES: Federal Family and Medical Leave Act; Washington State Family Leave Act; Washington State Law Against Discrimination. National Defense Authorization Act for FY 2008 (NDAA), Public law 110-181.
4. PROCEDURES:
  - A. Permitted Uses of Family and Medical Leave. Regular full-time and regular part-time employees who have been employed by the City for at least 12 months during the previous seven years and worked at least 1,040 hours (including paid leaves) during the previous 12 month period will be granted up to 12 workweeks of leave within any 12 month period for any of the following purposes (\*see below for exception to period of leave for the Care of Servicemember):
    1. Because of the birth of a child to the employee;
    2. Because of the placement of a child with the employee for adoption or foster care;
    3. In order to care for the spouse/domestic partner, parent, child, step-child or legal ward of the employee during a serious health care condition;
      - a. \*Care of Servicemember. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of unpaid leave in a single 12-month period to care for the servicemember. In a 12-month period, the employee is entitled to a combined total of 26 weeks of all types of FMLA leave.
      - b. A "covered service member" is a current member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in an outpatient status on the temporary

disability retired list, for serious injury or illness occurring in the line of duty on active duty.

4. Due to a serious health care condition which leaves the employee unable to perform his or her job.

or

5. Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee who is a member of the National Guard or reserves, is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation as a result of a federal action declared by the President of the United States.

- a. This leave only applies to families of members of the National Guard and reserves and certain retired members of the military, not to families of active members of the regular armed services. This leave is not applicable to Guard or Reserve duty activated by a order from a service member's state governor.
- b. Leave may be taken for: 1) a call or order that's given no more than seven calendar days before deployment; 2) military events and related activities such as official military-sponsored ceremonies related to the family member's call to duty; 3) urgent (as opposed to recurring and routine) child-care and school activities; 4) financial and legal tasks to deal with the family member's active duty; 5) attending counseling for the covered military member, or the child of the covered military member the need of which arises from the active duty or the call to active duty status of the covered military member; 6) to spend up to five days per break with the covered service member on rest and recuperation during deployment; 7) post-deployment activities such as arrival ceremonies and reintegration briefings or to address issues from the service member's death while on active duty; and 8) for other purposes arising out of the call to duty as agreed upon by the City and the employee.
- c. Employees seeking this leave must give reasonable and practicable notice if the exigency is foreseeable.
- d. Employees should contact the Human Resources Department regarding the necessary documentation for requesting leave under Section 4.A.5.

The twelve weeks of leave granted by this policy is unpaid leave unless paid leave is utilized pursuant to Section H.1.

- B. Family leave under 4.A.1 and 4.A.2 above must be taken in a block and must be completed by the end of the 12 month period which commences at the date of birth or placement of the child.
- C. Family leave under 4.A.1 above is available in addition to leave taken due to temporary maternal disability for the birth mother.
- D. Medical leave under 4.A.3 and 4.A.4 above may be taken intermittently or on a reduced schedule when medically necessary. Employees who request intermittent leave may be required to transfer temporarily to an available, alternative position that better accommodates their leave schedule, if the employee is qualified, and the position has equivalent pay and benefits.
- E. In cases where spouses/domestic partners both work for the City, leave granted pursuant to 4.A.1, 4.A.2, or 4.A.3 if it is to care for a sick parent, above is limited to an aggregate total of 12 work weeks in any 12 month period for both spouses/domestic partners and under 4.A.3.a above the leave granted is limited to an aggregate total of 26 work weeks in any 12 month period for both spouses/domestic partners.
- F. The 12 month period is measured backward from the date each employee uses any FMLA leave.
- G. "Workweeks" are defined as the employee's usual or normal hours scheduled to work in a seven day period prior to start of FMLA leave.
  - 1. For full-time non-uniformed personnel, 40 hours.
  - 2. For uniformed personnel, as defined in collective bargaining agreements.
  - 3. Part-time employees' workweeks are based on the number of hours they are regularly scheduled to work in a seven day period.
- H. Use of Accrued Leave and Long-Term Disability Benefits.
  - 1. Employees will be required to utilize all available paid sick leave in excess of 40 hours and all other accrued paid leave during the 12 week leave period provided by these policies under the following conditions:
    - a. All accrued sick leave in excess of 40 hours will be required to be used for leave granted under 4.A.3 4.A.4 and 4.A.5 and the portion of the leave granted under 4.A.1 that is due to maternal disability.
    - b. All accrued vacation leave in excess of 40 hours and all accrued comp time will be required to be used for leave granted under 4.A.2, 4.A.3, 4.A.4 and 4.A.5 and that portion of

the leave granted under 4.A.1 that is not due to maternal disability.

Except as provided in 4.A.3.a and 4.C above, the total leave which may be used in any 12 month period is 12 weeks, unless the employee has accrued sick leave beyond the 12 week period. The City Manager may approve use of additional vacation and compensatory leave usage beyond the 12 week period if it is in the best interest of the City to do so.

- c. Employees on leave pursuant to 4.A.4 above, are required to apply for State Workers' Compensation if applicable, and/or disability leave benefits, through the City's disability insurance provider and/or the City of Bothell LEOFF-I Disability Retirement Board. Payments for accrued leave (vacation, comp time and sick leave) made by the City will not exceed the difference between the employee's monthly wage and the benefit the employee would have received from the disability policy or Workers' Compensation payment.

### I. Benefits while on Family/Medical Leave.

1. The City will maintain and pay for the employee's health care benefits during the term of the Family and Medical leave under the same conditions as before the leave commenced. If an employee is eligible for Maternal Disability Leave in addition to Family and Medical Leave, and the leave is unpaid, health care benefits beyond the Family and Medical Leave may be paid by the employee, or, if the employee is eligible for Shared Leave pursuant to Policy 7.3, the dollar value of donated vacation leave may be used to pay for health care benefits while the employee is on unpaid leave.

Provided, if the employee is covered by a collective bargaining agreement that requires the co-payment of premiums, the employee will continue to make the co-payment as a payroll deduction while on paid leave.

2. If the employee does not return to work for at least two calendar weeks after FMLA leave, the City will recover any premiums paid on behalf of the employee, unless the employee is prevented from returning to work due to the following reasons:
  - a. The employee has a continuation or recurrence of a serious health condition;
  - b. The employee has a new serious health condition; or
  - c. Other circumstances beyond the control of the employee.

3. The employee will continue to accrue leave and seniority benefits while on paid leave. No leave benefits will accrue while on unpaid leave. Seniority for the purposes of salary or longevity benefits will continue to accrue while on paid leave and for the first 30 days while on unpaid leave.

J. Certification of a Serious Health Care Condition.

1. Employees seeking approval for leave under 4.A.3 or 4.A.4 above are required to provide the City with a certification from the employee's (domestic partner or family member's) health care provider. The certification must be provided within 15 days of the date it is requested by the City. Certification will include:
  - a. The date on which the condition commenced;
  - b. The probable duration of the condition;
  - c. Appropriate medical facts regarding the condition;
  - d. In the case of care for a domestic partner or family member, an estimate of the time the employee will be needed to care for the domestic partner or family member;
  - e. In the case of medical leave for the employee, a statement that the employee is unable to perform the functions of his/her position; and
  - f. In the case of requested intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment.
  - g. If the City determines the employee has provided incomplete certification (i.e. certification that is vague, ambiguous, or non-responsive), the City will notify the employee in writing of what information is missing. The employee then must provide complete certification within seven calendar days of such notification.
2. The City may, at its expense, obtain a second opinion from a health care provider not utilized on a regular basis by the City. In the event there is a conflict between the two opinions, a third opinion may be requested of a health care provider jointly designated by the City and the employee. The opinion of the third health care provider is final and binding on both parties.
3. The City may require employees on family/medical leave to periodically report regarding their status and intention to return to work. The City may also require subsequent re-certification of the

need for continued leave. Where an employee takes family/medical leave based on his or her own serious health condition, the City generally will require a certification from the employee's health care provider that the employee is able to return to work. The certification must adequately address the employee's ability to perform the essential functions of his or her job duties before the employee is able to return to work.

- K. Return to Work. An employee who utilizes leave under this policy will generally be returned to their former position or to a position with equivalent pay, benefits, terms and conditions of employment, if able to perform the essential functions of the job, with or without accommodation. The use of leave will not result in the loss of any employment benefit which was accrued prior to the date the leave commenced.
- L. Exemption. The City may deny return to work to an employee within the highest paid ten percent of all employees, if the denial is necessary to prevent a substantial and grievous economic injury to the City's operations; and if the City notifies the employee of its denial prior to approving the requested leave.
- M. Notice. The employee is required to give notice of intent to take family/medical leave as follows:
  - 1. Birth or adoption: 30 days notice unless circumstances prevent such notice, in which case such notice as is practicable.
  - 2. Planned medical treatment of employee or child, spouse/domestic partner or parent of the employee: 30 days notice unless the date of treatment requires leave to begin in less than 30 days, in which case notice as soon as is practicable.

The employee is required to make a reasonable effort to schedule treatment so as not to be disruptive to the City, subject to the approval of the health care provider.

## LEAVE

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 7.8 Leave without Pay

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures for the use of leave without pay where Family and Medical Leave does not apply.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Not applicable.
4. PROCEDURES:
  - A. Department Directors may approve up to forty hours of leave without pay for employees when doing so does not adversely impact City business. For requests for leave without pay in excess of forty hours, the City Manager, upon recommendation from the Department Director, may approve an employee request for leave without pay for a period not to exceed 12 weeks, if said approval would not be contrary to the interest and welfare of the City.
  - B. All accrued vacation and comp time must be used before leave without pay begins, with a maximum total leave of 12 weeks.
  - C. Insurance Coverage. The City will not continue payment of insurance premiums while an employee is on leave without pay. However, employees who wish to keep their health insurance in effect while on unpaid leave may do so by paying the premium themselves. This option is not available for life insurance. If an employee begins an unpaid leave after the monthly premium has been paid by the City, insurance coverage will continue for that employee throughout the month in which the premium was paid.
  - D. Seniority/Accrual of Benefits. Seniority for purposes of salary or longevity increments, promotions and vacation accrual rate, shall not be affected for the first thirty (30) days of unpaid leave. Thereafter, the employee's anniversary date will be adjusted forward to reflect the period of absence.
  - E. Extension of Unpaid Leave. The City Manager may grant an extension of leave without pay upon the sole discretion of the City upon written request by the employee and recommendation from the Department Director. An extension of unpaid leave will only be granted if the City Manager finds it is in the best interest of the City.
  - F. Leaves of absence without pay must be submitted, in written form, 30 days in advance to the Department Director. The request will state the reason for the request, the expected date the leave will begin, and the date the employee will return to work.

1. Employees who fail to return to work on the date specified without receiving an extension in advance, will be considered to have resigned from their employment with the City.
2. Employees who take leave without pay without prior approval are subject to disciplinary action.



## 7.9 Shared Leave

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish a shared leave procedure for regular non-represented, post-probationary employees that allows the acceptance of donated leave time during an employee or immediate family member's extraordinary personal illness, incapacity or other catastrophic event.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Not applicable.
4. PROCEDURES:
  - A. Regular and limited term, non-represented, post-probationary employees may accept donated annual vacation leave to care for themselves or immediate family members, as defined in Personnel Procedure 7.3, 5.A ("sick leave"), suffering from an extraordinary personal illness or other catastrophic event such as Reserve or Military Duty during periods of war, if the duration of the illness or event will cause the employee to take leave without pay or to terminate their employment.
    1. Implementation of the program for any individual employee is subject to agreement by the Department Director and the availability of shared leave from other employees.
    2. The City's decisions in implementing and administering the shared leave program shall be reasonable.
  - B. Donor Restrictions. An employee may donate any amount of vacation leave in which the employee is vested, provided the donation does not cause the employee's vacation leave bank to fall below 40 hours. The donation shall be accounted for in a dollar amount equal to the hours donated multiplied by the hourly pay of the donor.
  - C. Donee Restrictions. A regular, non-represented, post-probationary employee may receive shared leave provided they meet the following standards:
    1. The employee has complied with the sick leave provisions of Chapter 7.3 insofar as they may be applicable.
    2. The employee is not eligible for time-loss compensation under RCW 51.32 (Worker's Compensation) or disability benefit payments through the disability insurance plan, except as provided below.
    3. If an employee is on leave without pay and receiving disability or workers' compensation benefits, shared leave may also be received in

an amount sufficient to pay the employee's health care benefits while on leave without pay, for a maximum of six consecutive months.

4. The employee must exhaust all accrued leave time (vacation, sick, comp, floating holiday, merit hours, professional leave, management leave, etc.) prior to becoming eligible for shared leave.
5. Leave shall be granted in an amount of hours equal to the donation dollar amount divided by the hourly pay of the Donee. The donor's leave will be credited as sick leave to the recipient employee.
6. The employee has submitted, if requested, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

D. Employee Responsibility.

1. Notify supervisor of anticipated extraordinary personal illness, incapacity or catastrophic event as soon as possible prior to taking leave.
2. Provide Human Resources a medical certificate from a licensed physician or health care practitioner.
3. Complete an "application for Shared Leave" and file it with the Human Resources Department.

## LEAVE

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 7.10 Jury Duty/Court Appearances, Civil Leave

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish the procedures for granting a leave of absence to employees called for jury duty or for court appearances.
2. ORGANIZATIONS AFFECTED: All departments/divisions. Regular, project term and limited term full-time and regular, project term and limited term part-time employees, with any paid leave pro-rated according to their regularly scheduled work week. Temporary employees are eligible for paid leave only under 4.A.2 below.
3. REFERENCES: Not applicable.
4. PROCEDURES:
  - A. It is the practice of the City that all regular and limited term employees who are called for jury duty, called as a subpoenaed witness, or compelled to attend court for any work-related reason shall be granted a leave of absence with pay as provided below.
    1. Jury Duty. Regular, project term and limited term employees receive wages for up to their regularly scheduled hours for all time spent in court and travel time, less the employee's regular commute. Employees must submit their court pay to the City, however they shall retain any travel expense reimbursement received.
    2. Court appearances on work related matters. Employees receive wages for up to their regularly scheduled hours for all time spent in court and travel time, less the employee's regular commute. Employees must submit any witness fees received, however they shall retain any travel expense reimbursements received.
    3. Court appearances on personal matters. Employees must use vacation leave or comp time for court appearances on personal matters and they retain court pay and travel expenses.
  - B. Returning to Work. Employees are expected to return to work during extended recesses in court appearances or jury duty.
  - C. Notification of Supervisor. When called for jury duty, or as a witness, an employee must supply a copy of the summons/subpoena to their immediate supervisor as soon as possible.

## 7.10 Jury Duty/Court Appearances, Civil Leave

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- D. Authorization by Department Director. Request for the leave of absence will be submitted for approval to the Department Director.

## 7.11 Leave for Victims of Domestic Violence

Personnel Procedures Approved: 4/27/09

1. PURPOSE: To establish the procedures for granting a leave of absence to employees who are victims or who have family members who are victims of domestic violence, sexual assault or stalking.
2. ORGANIZATIONS AFFECTED: All departments/divisions. Regular, project term and limited term employees, with any paid leave pro-rated according to their regularly scheduled work week. Temporary employees are eligible for paid leave only under 4.A.2 below.
3. REFERENCES: RCW 49.76. Applicable collective bargaining agreements.
4. PROCEDURES:
  - A. Employees who are victims or who have family members who are victims of domestic violence, sexual assault or stalking, are eligible to take reasonable unpaid leave from work for legal or law-enforcement assistance, medical treatment or counseling. During the leave, the employee's health care coverage will be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken the leave (RCW 49.76.050).
    1. Notification. Employee or his or her designee must notify their supervisor or the Human Resources Department in advance of their intent to take leave, consistent with the City's Personnel Policies and Procedures or applicable collective bargaining agreement. If advance notice cannot be given due to an emergency or unforeseen circumstances, notice must be provided no later than the end of the first day leave is taken.
    2. Leave Entitlement. An eligible employee may take "reasonable" leave, including leave on an intermittent or reduced-schedule basis, to engage in specified remedial activities relating to the abuse, including participating in legal proceedings; seeking medical treatment or mental health counseling; obtaining social service; or taking other actions to increase the safety of the employee and his/her family members.
    3. Family Member. For the purposes of Victims of Domestic Violence Leave, family member includes child, spouse, domestic partner, parent, parent-in-law, grandparent, or person the employee is dating.
    4. Use of Accrued Leave. Employees may utilize accrued sick leave, vacation, compensatory time, management leave, merit hours,

## 7.11 Leave for Victims of Domestic Violence

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floating holidays or other accrued leave in lieu of taking Victims of Domestic Violence Leave as unpaid leave.

5. Verification and Confidentiality. The employee must provide Human Resources verification that the employee or his/her family member is a victim of domestic violence, sexual assault, or stalking, and that the leave is for one of the covered activities listed in 4.A above. The information provided by the employee will be maintained as confidential. Verification of the need for Domestic Violence Leave may be satisfied by one or more of the following:
  - a. A police report indicating the employee or family member was a victim of domestic violence, sexual assault, or stalking ;
  - b. A court order protecting the employee or family member from a perpetrator of domestic violence, sexual assault, or stalking;
  - c. Documentation from an attorney, clergy member, medical provider, or other professional from whom assistance was sought; or
  - d. The employee's own written statement that he or she or a family member is a victim and needs the leave to seek assistance.
- B. Return to Work. An employee who utilizes leave under this policy will generally be returned to their former position or to a position with equivalent pay, benefits, terms and conditions of employment, if able to perform the essential functions of the job.
- C. Non-Retaliation. No employee will be retaliated against in any way for exercising rights under this Chapter or for participating or assisting in another employee's attempt to exercise rights under this Chapter. Employees should report concerns of retaliation for exercise of rights under this Chapter to the Human Resources Director immediately.

## 7.12

## Unpaid Holidays for Reasons of Faith or Conscience

1. PURPOSE: To establish policies and procedures related to unpaid leaves requested for faith or conscience.
2. ORGANIZATIONS AFFECTED: All departments/divisions. Regular, project term and limited term full-time and part-time employees as indicated. Does not apply to temporary employees.
3. REFERENCES: RCW 1.16.050
4. POLICY:

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

5. PROCEDURES:

A. The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.

1. An employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of ten days prior to the requested day.
2. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.
3. The two unpaid holidays allowed by this section must be taken during the calendar year, if at all. They must be taken in full day increments, and they do not carry over from one year to the next.

4. Employees exempt from overtime under the Fair Labor Standards Act (FLSA) who request time off under this policy shall have the wages for the days taken off deducted from their regular paycheck.



## EMPLOYEE RECOGNITION AND DEVELOPMENT

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: 1218-2008

### 8.1 Employee Recognition

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: It is the purpose of this policy to establish guidelines to allow recognition by the City of employee's years of service.
2. ORGANIZATION AFFECTED: All departments and divisions.
3. REFERENCES:
4. POLICY:

The City of Bothell's administration and City Council encourage the recognition of employees who achieve longevity milestones in their careers with the City. The City recognizes and rewards the following years of service:

- A. Five years of service is recognized by a gift (total cost not to exceed \$25 per employee).
- B. Ten years of service is recognized by a gift (total cost not to exceed \$50 per employee).
- C. Fifteen years of service is recognized by a gift (total cost not to exceed \$75 per employee).
- D. Twenty Years of service is recognized by a gift (total cost not to exceed \$100 per employee).
- E. Twenty-Five Years of service is recognized by a gift (total cost not to exceed \$200 per employee) and eight hours leave added to the employee's vacation bank.
- F. Designated time-off awards must be used by the employee within a one year period from date of award, scheduled with the approval of the supervisor.
- G. All awards will be presented by the City Manager or designee during an annual ceremony hosted by the Human Resources Department.
- H. The Human Resources Department is responsible for requesting funding for, and coordinating the annual event.
- I. When an employee separates from service with a minimum of fifteen years service, the City may provide a light refreshments type

reception in a City facility during working hours and a plaque will be presented from the City thanking the employee for their service to the City.

5. PROCEDURES:

The Human Resources Department is responsible for initiating the recognition of the employee.

8.2 Employee Development -  
Performance Evaluations

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To set forth the City's performance appraisal process for City employees.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Performance Appraisal Guidelines located in the Appendix.
4. PROCEDURES:

Performance appraisals are intended as a training and communication tool, providing the employee with verbal feedback and a written record of their performance, identifying and recognizing positive performance, methods to improve performance, performance goals and objectives for the future.

- A. Timing. Performance appraisals will be conducted according to the following schedule:

1. Regular, project term and limited term full-time and part-time employees who have completed their probationary period receive two evaluations per year--an informal semi-annual appraisal and an annual formal appraisal. Annual evaluation dates are determined by the employee's anniversary date of hire, promotion or transfer until the employee has reached Step 7 on the pay range. Once employees are compensated at Step 7 in the pay range they will begin receiving annual evaluations the next calendar year due March 1 and then annually thereafter March 1, regardless of their previous annual review date. Semi-annual appraisals are conducted six months after the employee's annual evaluation date.
2. In the first year of their employment, promotion, or transfer, a formal appraisal will be conducted six months after the employee's appointment to their position and at their anniversary date of appointment to the position (twelve months after the initial appointment). Thereafter, evaluations will be conducted as provided for under item "A.1" of this section.

See also Chapter 3 (Probationary Period), and the City's Classification and Compensation Plan.

- B. Signatories. Employee performance appraisals are signed by the employee, the appraiser, the appraiser's supervisor(s) (including supervisors in direct chain of command) and/or the department director. The Human Resources Director will indicate by signature that they reviewed the document for completeness.
- C. Response. The employee may prepare a response to the performance appraisal. If a response is attached, the supervisor should attempt to resolve the differences or issues with the employee and document the resolution or discussion as an addendum to the appraisal.

8.3 Employee Tuition  
Reimbursement

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish a policy and procedures for the authorization and reimbursement of tuition expenses.
2. ORGANIZATIONS AFFECTED: All department/divisions.
3. REFERENCES: Collective bargaining agreements.
4. POLICY:

The City supports employee development and authorizes the City Manager to prepare procedures for reimbursement of tuition expenses associated with an approved course of study designed to earn a degree from an accredited school, college, university or other professional training organization. Eligibility for reimbursement of tuition expenses shall be dependent upon the provisions of the City's policies and procedures, collective bargaining agreements and approved budget.

5. PROCEDURES:
  - A. Employees who meet the eligibility requirements stated herein shall be reimbursed for approved courses in an approved course of study that is designed to earn a degree and is provided by an accredited school, college, university or other professional training organization. For the purpose of this policy, "accredited" refers to an accreditation provided by a body recognized by the U.S. Department of Education.
  - B. The City will reimburse employees according to the following schedule:
    - The actual cost of the course; or
    - Up to 80% of the cost of tuition for an Associate's or Bachelor's degree, commensurate with a Washington State College / University credited course.
    - Up to 40% of the cost of tuition for a Master's degree, commensurate to the University of Washington Credited course.

Provided the employee meets the below listed eligibility requirements:

1. Eligibility Requirements.

- a. The employee is a regular post-probationary employee of the City of Bothell. Part-time employees receive tuition reimbursement pro-rated, based on the number of hours in their regularly scheduled workweek;
- b. The employee has applied for the Tuition Reimbursement Program using the following guidelines, and has been approved;
- c. The employee submits for the tuition refund no later than sixty days following completion of the course of study;
- d. The employee successfully completed the course with a grade of C (2.0) or better for undergraduate courses; or B (3.0) or better for graduate courses, or pass (P) in pass-fail classes.

C. Application Procedures. To apply for the Tuition Reimbursement Program the employee shall:

1. Complete an Application Form;
2. Describe how the degree will benefit the City in the short-term and long-term by
  - a. Enhancing current job skills by contributing to the development of employee capabilities in the applicant's present position;
  - b. Supporting professional growth towards career opportunities for another position(s) within the City organization;
  - c. Fulfilling a requirement of a current position; and/or
  - d. Improving the quality of City Services.
3. Estimate the course load and tuition expenses for the coming academic year.
4. Obtain their department director's approval confirming the job relatedness of their college degree objectives consistent with Item 2 above.

All requests must be made in June of the year prior to when the classes will be taken to allow the City to budget appropriate funds. Each June, the program and funds will be reviewed and any unused/unallocated funds, will be reallocated amongst the bargaining units excluding the units which have not utilized previously allocated funds, (including the non-represented group), based on the formula listed below.

Formula: Funds budgeted will be allocated to the bargaining units, including the Non-represented employee group, based upon the number of employees within each unit.

The department director shall review the request and add comments or clarification, if necessary, indicating how the course relates to the employee's current or next higher position. The director may deny the request if, in taking the course, the employee would require an irregular work schedule which would unduly interfere with the employee's regular work load.

Upon approval, the department director shall forward the request to Human Resources who will review the request for consistency with the above application guidelines.

For AFSCME and Non-represented requests, the Human Resources Director shall submit the request to the Executive Leadership Team (ELT) with recommendations and budgetary information. The ELT (excluding the City Manager) will evaluate the request according to the criteria stated in this policy and make the final approval of the request. The City Manager will not be involved in the approval process in order to remain neutral if an appeal is filed regarding the approval process of an employee's application.

The City will attempt to budget appropriate funds each year for employees who are accepted into the program. Tuition Reimbursement funds are not guaranteed and are subject to legislative budget approval.

An employee, who applies for tuition reimbursement, will be informed by Human Resources upon approval of the adopted budget if funds have, or have not been budgeted for them for the upcoming year.

Employees will be disqualified from the program and will need to reapply if they miss more than one year of courses, unless it is the employee's schedule that prevents them from continuing their education.

D. Criteria. The following criteria will be considered in determining which applicants shall receive reimbursement.

1. Length of service with the City;

2. The City's need for the particular knowledge, skill or training for which the applicant is aspiring;
3. The proposed coursework will also be evaluated; first, according to how closely the coursework relates to the employee's current position. Second, how closely the course relates to the employee's next higher position within the department.
4. Available Funding

E. Reimbursement. Upon completing the course, the employee whose request has been approved shall submit to Human Resources:

1. A completed Expense Reimbursement Request (non-travel) form,
2. Documentation for paid tuition and itemized costs, and
3. Transcript of grades.

Employees will receive their reimbursement check within one month after submitting the appropriate forms to Human Resources.

The costs of books, workbooks, supplies, travel, parking and other related expenses are the responsibility of the employee.

Reimbursement is made only for courses that earn the employee credit towards their approved degree objective and were pre-approved.

*Note to employees: Internal Revenue Code Rules may require that some or all tuition reimbursement be included in an employee's taxable earnings.*

F. Payback Provision. Employees are responsible for repayment of tuition payments under the following circumstances:

1. Separation from service. If an employee separates from service earlier than 4 years following the completion of any classes, the following repayment schedule will apply:
  - a. Separation within 1 year - 80% repayment
  - b. Separation within 2 years - 60% repayment
  - c. Separation within 3 years - 40% repayment
  - d. Separation within 4 years - 20% repayment.



2. For purposes of this section, Separation from service shall mean voluntary separation and termination for cause, with the exception of disability.
3. If the employee has earned less than  $\frac{1}{2}$  a degree, the above payback provision does not apply if the employee makes a good faith effort to attend classes, but is unable to do so for more than one year due to the City's budgetary restrictions. If the employee has completed more than 50% of a degree, the payback schedule would apply.
4. The City will consider any extenuating circumstances which may occur that are not specifically covered under this policy and discuss said circumstances with the student and the bargaining unit if needed.

## EMPLOYEE RECOGNITION AND DEVELOPMENT

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: 1218-2008

### 8.4 Memberships in Professional Organizations

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: The City recognizes that in certain cases, membership in professional organizations, and in local civic or service organization may benefit the City, and therefore, may be permitted by the Department Director or City Manager.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: State Auditor's Office Bulletin No. 013.
4. POLICY:

The City recognizes that in certain cases, membership in professional organizations, and in local civic or service organizations may benefit the City. The City Manager shall establish procedures addressing conditions under which the City will pay for employee membership in professional organizations.

#### 5. PROCEDURES:

- A. Professional Organizations. Department Directors may approve payment for employee membership in professional organizations if, in the Department Director's opinion, said membership will benefit the City. Reimbursement for professional organization memberships should be made in the name of the City, rather than the individual employee, unless an individual membership is required for certification or has a specific, job-related professional development benefit to the employee.
- B. Civic and Service Organizations.
  1. The City Manager may approve reimbursement for Department Director memberships in civic or service organizations if the following conditions are met:
    - a. The department director will be an active participant in the civic or service organization.
    - b. The membership is in an established civic or service organization such as the Chamber of Commerce, Rotary, Kiwanis or other organization found by the City Manager to have a benefit to the City.

## 8.4 Memberships in Professional Organizations

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2. The City will reimburse department directors for membership costs and meal costs incurred during meetings and reimbursement for mileage according to Personnel Policy 8.5 (Travel).
  - a. The City Manager is responsible for approving these costs.
  - b. Said costs shall be limited by the amount specifically budgeted as approved by the Council annually.

8.5 Travel Policy

Personnel Procedures Approved: 10/4/2013

1. PURPOSE: The purpose of this policy is to establish guidelines and procedures for the authorization and reimbursement of travel expenses incurred by all employees when they are on City business.

2. ORGANIZATIONS AFFECTED: All departments/divisions.

3. REFERENCES: RCW 42.24

4. POLICY:

The City Manager shall establish guidelines and procedures for the authorization and reimbursement of travel expenses incurred by all employees when they are on City business. A maximum of \$58.00 per day shall be allowed for food expenses, including tips and taxes.

5. PROCEDURES:

- A. All reasonable transportation expenses for approved travel (as defined in the following paragraphs) will be reimbursed.

- B. Travel Involving an Overnight Stay. Any travel involving an overnight stay for employees should have the prior approval of the Department Director or the City Manager, as appropriate.

- C. Pre-authorization of Travel. Employees traveling on City business on a trip that involves an overnight stay shall submit a travel authorization form to the Finance Department. The travel authorization form will include a complete estimate of the costs of the trip, including conference registration, transportation, lodging, meals, vehicle rentals, and incidentals. The travel authorization form will also include the purpose of the trip, the dates of travel and other pertinent details.

The completed travel authorization form, including the appropriate authorizing signatures must be submitted to the Finance Department before departure. The appropriate authorizing signatures required are as follows:

1.

Type of Travel	Required Approval
Overnight travel by Department Director	City Manager or designee
Overnight travel by other City employees	Department Director
Use of rental vehicle by other City employees	Department Director
Out of state travel by any City employee	Department Director

The City Manager shall also review overall plans for training and travel through their analysis and approval of annual training plans submitted by each department as part of the biennial budget.

Nothing herein precludes department directors from authorizing travel in emergency conditions without following the pre-authorization procedures outlined herein.

D. Reimbursement of Travel Expenses.

1. Transportation Costs. Reimbursement costs for transportation will be at the cost of the most reasonable means of transport. For example, airline costs will be reimbursed at a coach rate. If an employee or official chooses to fly first class, the City will reimburse only at the coach rate and the employee/official must pay for the difference. Efforts should be made to book air travel at least two weeks or more in advance to take advantage of lower rates. Department Directors are responsible for ensuring the method of travel chosen by their employees is the most cost effective. Frequent flyer miles earned accrue to the individual and not the City, but should not be the criteria for selecting a flight if lower cost alternatives are available.
  - a. Travel Time. In most employee travel situations, compensation for travel time shall be pursuant to the Fair Labor Standards Act. In some cases the department director may authorize employees traveling as passengers outside their normal work hours to be compensated for their travel time if doing so would be more cost effective and more convenient than having the employee travel the day before and stay overnight.
  - b. Hotel/Motel Accommodations. Reasonable expenses will be reimbursed at the rate of the single room rate per person. Government or discount rates should be obtained whenever possible. Department Directors are responsible for determining the most cost effective means of arranging for hotel/motel accommodations.

- c. Meals. Reasonable costs of necessary meals while conducting City business are reimbursable, with prior approval, to the following amounts, including tip and taxes.

Breakfast \$14

Lunch \$16

Dinner \$28

- i. Receipts are not required for per diem reimbursements.
- ii. Reimbursement requests must specify the function attended, date and place for purposes of auditing.
- iii. The cost of meals for official functions (political or professional organizations - usually include speaker and/or room rental) will be paid at full actual cost, even if the cost exceeds the rates above.
- iv. Tips are allowable up to 20% and should be considered as a part of the maximum allowable amount.
- v. Reimbursement will not be paid for alcoholic beverages.
- vi. Reimbursement will not be paid for expenses for spouses, guests, non-employees or other persons not authorized to receive reimbursement under these procedures or State regulations.
- vii. Reimbursement may be claimed by one person for several employees or officials eating together, as long as all the names are listed on the reimbursement claim.

- E. Per Diem for Out-Of-Town, Overnight Meals. When traveling out of town overnight, employees will receive a per diem allowance for meals rather than submitting a request for individual meal reimbursements. No receipts are required for meals reimbursed under this section.

A maximum of \$58.00 per day shall be allowed for food expenses, including tips. However, an employee may obtain prior approval from the Finance Department for reimbursement of reasonable expenses exceeding the daily food allowance based on the location of the event to which they are traveling. In such cases, the employee must submit itemized receipts for any reimbursement claims.

- F. Incidental Expenses. Reasonable costs for parking, taxis, buses, rental cars (if necessary), etc. will be paid if itemized on the claim form and accompanied by a receipt. Use of rental cars must have prior approval via

the travel authorization form. The cost of long distance telephone calls to the City for City business will be reimbursed, and one telephone call home per day of reasonable length will be reimbursed.

- G. Travel by Automobile. When automobile transportation is necessary, a City vehicle or public transportation shall be used whenever practical. If no City vehicle is available for out-of-town travel, employees are expected to utilize rental cars through the City's approved rental car agency.

Employees are encouraged to utilize vehicles provided by the City, but they have the option to decline a City vehicle or rental car and utilize their personal vehicle. In such case, reimbursement of mileage for utilizing personal vehicles is contingent upon available budget and pre-approval of the Department Director.

In the event that neither a City vehicle nor approved rental car are available for City business, mileage for the pre-approved use of personal vehicles by the department director will be reimbursed at the IRS allowable mileage rate. Employees using their personal vehicle from home to a destination different from their usual work site are reimbursed for miles driven in excess of their usual commute to and from work. The IRS rate will be published by the Finance Director by memo at the beginning of each calendar year.

Employees using their personal vehicles for City business are advised to review their personal auto insurance for coverage of such use, and maintain automobile liability insurance in accordance with RCW 46.30.020. Employees who do not maintain minimum liability coverage shall not operate privately-owned vehicles in an official capacity.

- H. Reporting of Actual Expenses. All actual eligible expenses should be reported on an expense reimbursement request form to be filled out by the employee within fifteen days after completion of travel. Receipts must be attached for all expenses claimed, with the exception of per diem for meals. Expense reimbursement requests should be signed by the same party originally approving the travel and filed with the Finance Department for processing.
- I. Advance Travel Fund. An Advance Travel Fund was created by City ordinance. The purpose of this fund is to provide reasonable allowances in advance of travel to minimize the impact on the personal finances of employees and officials when they are traveling for the benefit of the City. This fund is to provide cash for what would normally be out of pocket expenses for the employee. It is not to provide room deposits or pay conference fees that should be paid by a City credit card or through accounts payable. Requests for advance travel funds must be made on the travel authorization form and submitted to the Finance Department a week in advance of the employee's travel. Amounts requested shall be available in the Finance Department the week before travel, provided the completed form has been submitted with all the required signatures.

A fully itemized claim for expense reimbursement, along with any unexpended portion of the advance, must be submitted to the Finance Department within fifteen days of the close of the authorized travel period for which expenses have been advanced. Any amounts not accounted for with the fifteen day period shall bear interest at the rate of ten percent per annum from the date of default until paid (RCW 42.24.150).

- J. Responsibilities. The Finance Director is responsible for administration of these procedures, including the design of forms and review of forms submitted for compliance with state regulations and guidelines established by the State Auditor. The City Manager is responsible for adopting procedures for the administration of Council policies. It is the responsibility of the employee incurring the expense to fill out a travel authorization form before traveling and to obtain the necessary approvals. The employee is also responsible for filling out an expense reimbursement form when they return, obtain the necessary department approvals, and file it with the Finance Director in a timely manner. For department directors, the City Manager shall approve expenses and travel pre-authorization forms.



## EMPLOYEE APPEALS PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 9.1 Appeals Procedure

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To provide a procedure that facilitates timely resolution of appeals of work - related complaints.
2. ORGANIZATIONS AFFECTED: All departments/divisions
3. REFERENCES: Not applicable.
4. PROCEDURES:

The City supports equitable and prompt dispute resolution at the lowest possible level. Employees and their supervisors should make every effort to resolve problems informally in a manner which is mutually agreeable to both parties. When such informal means fail to resolve the problem satisfactorily, this Appeal Procedure provides for a formal review by higher levels of management.

A. Examples of matters which may be considered appropriate appeals under this policy include:

1. A belief that City policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
2. Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
3. Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, sexual orientation, disability, or any other factor protected by federal, state, or local laws; and
4. Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.

B. Election of Remedies. Employees who are represented by a Collective Bargaining representative and/or are classified in the Civil Service of the City, shall select either the appeal procedure provided herein, or the grievance procedure provided by collective bargaining agreement or the appeal procedure contained in the Civil Service Rules, if applicable.

C. Timing of Appeals. The time limits prescribed in these procedures may be extended by written mutual agreement of the parties involved. Any step in the procedure may be eliminated by written mutual agreement of the parties. A decision becomes binding on all parties whenever an employee does not

file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

- D. Retaliation. No employee will be retaliated against for utilizing the appeal procedures described herein. However, it is not considered proper use of the appeals procedures if an employee files appeals in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless appeals. Implementation of the appeals procedure by an employee does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the use of the appeals procedure.
- E. Precedent. Final decisions on appeals will not be precedent-setting or binding on future appeals unless they are officially stated as City policies or procedures. When appropriate, the decisions will be retroactive to the date of the employee's original appeal.
- F. Process.

Step 1. The employee(s) present the supervisor with a written appeal within ten working days of the action giving rise to the appeal. The supervisor should respond, in writing, within ten working days of the date of presentation of the appeal.

Step 2. If the employee is not satisfied with the supervisor's resolution, the appeal shall be presented in writing to the Department Director within ten working days after the supervisor's response. The Department Director should respond within fifteen working days following the date of receipt of the appeal.

Step 3. If the employee is not satisfied with the Department Director's resolution, the appeal shall be presented in writing to the City Manager within ten working days after the Department Director's response. The City Manager should respond within fifteen working days following the date of receipt of the appeal.

The decision of the City Manager shall be final and binding.

- G. Format.

All appeals shall be in writing and shall include the following:

1. A statement of the complaint and all relevant facts;
2. The remedy or resolution sought;
3. Date and signature(s) of the appellant(s).

## EMPLOYEE APPEALS PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 9.2 Local Government Whistleblower Procedures

Personnel Procedures Approved: 9/20/2010

1. PURPOSE: It is the practice of the City of Bothell (1) to encourage reporting by its employees of improper governmental action taken by City of Bothell officers or employees and (2) to protect City employees who have reported improper governmental actions in accordance with the City of Bothell's policies and procedures.
2. ORGANIZATIONS AFFECTED: All City Departments.
3. REFERENCES: RCW 42.41 (Chapter 44, Laws of 1992).
4. DEFINITIONS: As used in these procedures, the following terms shall have the meanings indicated:
  - A. "Improper governmental action" means any action by a City of Bothell officer or employee:
    1. That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
    2. That 1) is in violation of any federal, state, or local law or rule, 2) is an abuse of authority, 3) is of substantial and specific danger to the public health or safety or 4) is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.
  - B. "Retaliatory action" means any adverse change in the terms and conditions of a City of Bothell employee's employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, letters of reprimands, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary action resulting from a report of improper governmental conduct.

- C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.
- D. Reporting Procedures.
  - 1. City of Bothell employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Department Director. If the Department Director is involved in the improper governmental action, the employee may raise the issue with the Human Resources Director, Deputy City Manager, City Attorney, or City Manager.
  - 2. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, or where the misconduct involves the City Manager, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee may report the improper governmental action directly to the appropriate governmental agency with the responsibility for reporting improper action (See list of agencies). In all other cases, the employee should first advise either the City's Human Resources Director, Deputy City Manager, City Manager, or City Attorney prior to reporting to an outside agency.
  - 3. The supervisor, the City Manager or the City Manager's designee shall take prompt action to assist the City in properly investigating the report of improper governmental action. The investigation will be conducted by someone who is fair and impartial. Officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be given a written summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
  - 4. After receiving a summary of the results of the investigation, if the employee reasonably believes that 1) an adequate investigation was not undertaken by the City, 2) insufficient action has been taken by the City to address the improper governmental action, or 3) for other reasons the improper governmental action is likely to recur, then the City employee may report information about improper governmental

action directly to the appropriate governmental agency with responsibility for investigating the improper action. The reporting employee shall give the City Manager ten days notice prior to reporting directly to the appropriate governmental agency.

5. City employees who fail to make a good-faith attempt to follow these procedures in reporting improper governmental action may not receive the protections provided in these procedures.

### E. Protection Against Retaliatory Actions.

1. City officials and employees are prohibited from taking retaliatory action against a City employee because he or she has in good faith reported an improper governmental action in accordance with these procedures.
2. Employees who believe that they have been retaliated against for reporting an improper governmental action should follow the reporting procedures contained in this section. The City shall take appropriate action to investigate and address complaints of retaliation.
3. If the City does not satisfactorily resolve a City employee's complaint that he or she has been retaliated against in violation of these procedures, the employee may obtain protection under these procedures and pursuant to state law by providing a written notice to the City Manager that:
  - a. Specifies the alleged retaliatory action and
  - b. Specifies the relief requested.
4. City employees shall provide a copy of their written charge to the City Manager no later than thirty (30) days after the occurrence of the alleged retaliatory action.
5. After 1) receiving: the response of the City Manager or 2) thirty days after the delivery of the charge to the City, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City Manager within the earlier of either fifteen (15) days of delivery of the response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation.

6. Upon receipt of request for hearing, the City Manager shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

Office of Administrative Hearings  
P.O. Box 42488, 4224 Sixth S.E.  
Rowe Six, Bldg 1  
Lacey, WA 98504-2488  
(206) 459-6353

At the hearing, the employee has the burden of proving the claim by the preponderance of the evidence (more likely than not.) The final decision of the ALJ is subject of judicial review.

The City will consider any recommendation provided by the ALJ that the retaliator be suspended with or without pay, or dismissed.

- F. Implementation. The Human Resources Director is responsible for implementing these policies and procedures. This includes ensuring that these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly-hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Willful violations of these procedures will result in appropriate disciplinary action, up to and including dismissal.
- G. List of Agencies. Following is a list of agencies responsible for enforcing Federal, State and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Human Resources Director.

**Bothell City Attorney's Office**  
City Hall  
18305 1-1<sup>st</sup> Avenue NE  
Bothell, WA 98011  
425-489-4875

**King County Prosecuting Attorney**  
King County Court House  
516 Third Avenue  
Seattle, WA 98104  
Main Office: 206-296-7844

**Snohomish County Prosecuting Attorney**  
3000 Rockefeller Avenue, M/S 504  
Everett, WA 98201

425-388-3333  
**State Auditor's Office**  
Insurance Building  
Capital Campus  
P.O. Box 40021  
Olympia WA 98504-0021  
866-902-3900, Ext. 2

**Department of Transportation  
Washington Division Office**  
310 Maple Park Avenue SE  
P.O. Box 47300  
Olympia, WA 98504-7300  
360-705-7000

**Department of Treasury  
Internal Revenue Service (Local  
Office)**

915 Second Ave.  
Seattle, WA 98174  
866-973-3724

**Washington State  
Department of Labor & Industries**  
PO Box 44000  
Olympia, WA 98504-4000  
360-902-5800

**Office of the Attorney General**  
1125 Washington Street SE  
Olympia, WA. 98504  
360-753-6200

**State Department of Ecology**  
3190 - 160th Ave. SE  
Bellevue, WA 98008  
425-649-7000

**State Department of Health**  
PO BOX 47890  
Olympia, Washington 98504-7890  
360-236-4030

**Equal Employment Opportunity  
Commission**  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
800-669-4000

**Federal Emergency Management  
Agency**  
Federal Regional Center  
130 228th Street SW  
Bothell, WA 98021-9796  
425-487-4600  
866-720-5721

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.1 General Rules of Conduct

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures governing and general rules of conduct for City Employees.
2. ORGANIZATIONS AFFECTED: All department/divisions. Refer also to individual Department Rules or Standard Operating Procedures (SOP's).
3. REFERENCES: Not applicable.
4. PROCEDURES:

In the interests of the City and the public, it is desirable at all times, whether off-duty or on-duty, that an employee's conduct reflect favorably on the employee, his or her fellow employees, and the City. On-duty misconduct will result in discipline, administered to the degree warranted by the offense and with consideration given to the employee's work history and circumstances affecting the misconduct. Off-duty misconduct may result in discipline when said conduct renders an employee less capable of performing their duties and responsibilities, or when said conduct reflects unfavorably upon an employee's continuing qualifications for employment.

The City relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities. These procedures are intended to clearly state the City's expectations for employee conduct while on duty, and to identify a non-exhaustive list of possible causes for discipline.

- A. Causes for Discipline. The on-duty occurrence of any of the following is cause for discipline, up to and including termination. The off-duty occurrence of these or other misdeeds will be considered based on its effect on the employee's ability to continue to perform their job. Refer to Chapter 11 for Disciplinary Procedures.
  1. Theft, misappropriation, unlawful removal of City property or the property of others.
  2. Falsifying any application for employment or any report, record, time sheet or other City document.
  3. Accepting and/or soliciting personal payment, gifts or any item of value for services performed while on duty, whether or not the services are performed on behalf of the City or whether or not City vehicles, equipment or supplies are used.



## 10.1 General Rules of Conduct

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4. Willful alteration, destruction or waste of City property, facilities, records or equipment, or the destruction of the property of another.
5. Use, possession or being under the influence of alcohol or other controlled substances, including prescription medications in other-than prescribed amounts. (Refer to Procedures 10.6. Drug Free Workplace)
6. Giving or taking a bribe of any nature.
7. Insubordination, including, but not limited to, neglect of duty, refusal or failure to follow a supervisor's orders or instructions; public disrespect displayed toward a supervisor or the City, abusive language toward supervisor.
8. Disorderly conduct, horseplay, obscene or offensive language.
9. Threatening, intimidating, coercing or displaying public disrespect to other employees, supervisors or citizens.
10. Deliberate attempts to injure another employee or citizen, or fighting on City property.
11. Unauthorized possession of fire arms, explosives or dangerous weapons.
12. Participating in an unauthorized work stoppage or slowdown.
13. Safety violations, whether or not resulting in personal injury, property damage or a serious accident; or failure to report safety violations.
14. Harassment of another City employee or third party for any reason, including but not limited to race, gender, age, creed, color, marital status, national origin, sexual orientation or disability.
15. Engaging in activities other than assigned work during working hours and/or while operating City equipment, without prior approval of employee's supervisor.
16. Acting in an insulting, rude or uncivil manner toward any customer or other person; provided, however, that if a customer is acting consistently rude toward the employee, the employee may decline to serve that customer and request their supervisor to handle the situation.
17. Use of City property or time for non-City related business or personal activity.
18. Carrying an unauthorized passenger in a City vehicle.

19. Contributing to unsanitary conditions, unnecessary clutter or an accumulation of disposable material.
  20. Acting in violation of any Personnel Policy or Procedure.
  21. Dishonesty.
  22. Abuse of any City leave policy or procedure, including, but not limited to sick leave, vacation leave, bereavement leave, or personal leave.
  23. Working overtime that is unauthorized by the supervisor.
  24. Failure to meet the City's performance expectations for the position.
  25. Negligence in carrying out job functions or duties.
- B. Legal Liability. Employees are responsible for obeying laws and regulations which govern the performance of their duties, and for exercising their authority as reasonable and prudent persons. Pursuant to the City's Public Officials Liability Ordinance (see Appendix), employees are provided immunity from legal liability if they are operating within the scope of their duties and according to law, policies and procedures.
- C. Collective Bargaining Representation. The City recognizes the right of every employee to join an employee association, guild or union for which they are eligible for membership. Employees are referred to the Union Security clauses in the applicable collective bargaining contract. Supervisors shall not attempt to influence employees in their choice to become members or to participate in union or association activities.
- D. Refer to the Disciplinary Procedures contained in Chapter 11.

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.2 Code of Ethics

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish a code of ethics for City employees, governing such activities as Conflicts of Interest, Acceptance of Gifts, Use of City Equipment, Political Activity, Outside Employment and Disclosure of Confidential Information.
2. ORGANIZATIONS AFFECTED: All department/divisions. Refer also to Department Standard Operating Procedures (SOP's).
3. REFERENCES: RCW 42.52
4. PROCEDURES:
  - A. The City of Bothell values personal honesty and integrity, open and accessible government, fiscal responsibility, fair treatment of individuals and a customer service emphasis in our organization. Each individual employee is responsible, through their actions, for the perception of the City as an ethical organization. The intent of these procedures is to clearly communicate to the employees that they should avoid any action or behavior which constitutes the reality or the appearance of any of the following:
    - Using a City position for private gain;
    - Offering preferential treatment to any person or organization;
    - Impeding the efficiency, productivity, economy or effectiveness of the City;
    - Losing complete impartiality;
    - Making and/or representing oneself as having the authority to make a City decision outside of official channels;
    - Adversely affecting the confidence of the public in the integrity of the City.
  - B. Conflicts of Interest. No City employee may use their position to secure special privileges or exemptions for themselves or others. Employees shall not accept or seek for others, any service, information or thing of value on more favorable terms than those granted to the public generally, from any person, firm or corporation having contacts with the City. (An example of this would be purchasing office supplies or equipment for personal use at the discount afforded to the City.)
  - C. Acceptance of Gifts. Employees and their families shall not accept or solicit for personal benefit, directly or indirectly, any gift, favor, loan retainer, entertainment or gratuity, regardless of value, from any person, firm or corporation if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction. The following items are

presumed not to influence and may be accepted: unsolicited gifts with an aggregate value of fifty dollars or less may be accepted from a single source in a calendar year for such items as flowers, plants, promotional items of nominal value such as pens and note pads, trophies, plaques, and food and beverages consumed at hosted receptions where attendance of the employee is related to their official duties.

City employees and/or their families who perform community service or charity work on their own time are not prohibited from accepting "prizes" earned from their participation in that activity. Said employees shall not use their position with the City to prevail upon others to participate in or contribute to the activity.

- D. Use of City Equipment. City equipment, including vehicles, are for City business only, except as provided for in Procedures 10.5. Employees must not allow anyone not employed by the City to operate City equipment unless authorized by the Department Director. In no event shall a City employee take City property to their home without prior approval from the Department Director.

- E. Political Activity.

1. Generally. Employees shall not use City property or supplies, or their own time while on-duty, for political activity of any kind. Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political office, so long as the political office is not incompatible with or does not substantially interfere with the discharge of the employee's job duties. Employees shall refrain from political activities while on duty which give the appearance that the political activity is supported by the City, such as wearing or displaying of a button, badge or sticker relating to a partisan political issue during working hours in areas frequented by the public, attaching political or other campaign stickers to City vehicles or utilizing City property to promote a campaign. The City recognizes that employees may have a Constitutional First Amendment right to non-disruptive non-verbal speech activities such as the wearing of buttons which are not disruptive of the workplace nor imply a political support of the City for any particular measure or candidate. The wearing of buttons in such situations outside of areas in which the individual will come into direct contact with the public will be considered on a case-by-case basis. Employees shall not use their City title or position in solicitation for political activities, either orally or in writing. Political activity while wearing a City uniform is prohibited.
2. Solicitation. Employees shall not be required to make any contribution to or support a political party, elected official, candidate or measure as a condition of employment. Solicitation of on-duty City employees or of others on City property, for contribution to political organization, campaign or other political purpose is prohibited; provided, however,

that officers of employees' collective bargaining representatives are not prohibited from soliciting dues from members of their associations, guilds or unions.

F. Outside Employment. No City employee may accept employment which would be, or appear to be, a conflict of interests with their position with the City. No City employee may engage in a business or professional activity that might reasonably expect or require them--by reason of the employee's position with the City--to disclose confidential information acquired by reason of their position. No City employee may accept outside employment without prior notification of their Department Director. Outside employment may not be permitted if the Department Director finds that:

1. The outside employment detracts from the employee's ability to perform their position with the City;
2. The outside employment presents a conflict of interest, or appearance of a conflict of interests, with the employee's position with the City;
3. The outside employment involves the use of City resources;
4. The outside employment will take precedence over extra duty required for City employment, if said extra duty is a normal part of the job for employees similarly situated.

G. Disclosure of Information.

1. City News Release. News releases and press statements representing City policy, positions and information are approved in advance by the City Manager or designee.
2. Employee Media Relations. The City Manager has overall authority and responsibility to ensure dissemination of public information. Generally, the City Manager, their designee or Public Information Officer is responsible for responding to the news media when information is requested. An employee shall refer members of the media to the Department Director, City Manager or Public Information Officer unless the employee has been designated to respond to the media or directed to do so.

No City employee may disclose confidential information gained by reasons of the employee's position, except in the exercise of the City's Whistleblower procedures. Employees may not use confidential information for personal gain or benefit.

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.3 Attendance/Tardiness

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures for employee attendance and tardiness.
2. ORGANIZATIONS AFFECTED: All department/divisions. Refer also to Chapter 7, Leaves of Absence.
3. REFERENCES: Not applicable.
4. PROCEDURES:

- A. Employee Attendance. Employees are required to attend work unless approved leave has been granted according to the Leave provisions contained in Chapter 7. Unexcused absences are those absences which are not approved in advance, and are subject to leave without pay and disciplinary action. A persistent pattern of absence may also be cause for disciplinary action unless justified by a doctor's certificate.

Regular and reliable attendance is an essential responsibility and the ability to work regularly is a requirement for continued employment. Employees shall be at their work station and ready to work at the beginning of their scheduled shift. An employee shall not be absent from work for any reason other than those specified in the personnel policies and procedures without making prior arrangements with their supervisor.

1. Attendance Records. All departments shall keep daily attendance records.
  2. Unauthorized Absence. Any unauthorized absence of an employee from work may be cause for disciplinary action.
- B. Employee Tardiness. Employees are expected to arrive at work on time, ready to begin work. Employees who will be arriving at work more than 30 minutes late (or as directed by department standard operating procedures) are required to call and speak with their supervisor or designee. A message left on voicemail is not sufficient to meet this requirement unless the supervisor agrees in advance. Employees are not compensated for time lost due to tardiness. Repeated incidents or a persistent pattern of tardiness is cause for disciplinary action.

**EMPLOYEE CONDUCT  
AND WORK PROCEDURES**

**PERSONNEL POLICIES AND PROCEDURES**

Personnel Policy Adopted by Res.: (N/A)

**10.4 Appearance/Work Attire**

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish guidelines for employee appearance and work attire.
2. ORGANIZATIONS AFFECTED: All department/divisions. For uniformed personnel, refer to Department S.O.P.
3. REFERENCES: Not applicable.
4. PROCEDURES:
  - A. Employees are expected to dress neatly and appropriately for the type of work they are doing, and to present a good, professional image of the City to the public.
    1. Clothing should be maintained in good condition and as the work environment permits, clean and free from tears, holes and visible stains.
    2. Employees should ensure their personal hygiene does not offend others and does not detract from the high quality service orientation of the City.
    3. Safety clothing and accessories (e.g., boots, vests, hard hats) must be worn when safety rules require and/or when circumstances warrant it.

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.5 Electronic Communications

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures for efficient, ethical employee use of electronic communications equipment, software and data; to encourage use that enhances employee productivity; to confirm that electronic communications used in the conduct of government are public records; and to prohibit inappropriate use.
2. ORGANIZATIONS AFFECTED: All department/divisions.
3. REFERENCES: State Public Disclosure Act (RCW 42.17); See also the Code of Ethics for City Employees, Personnel Policies and Procedures 10.2.
4. PROCEDURES:

City equipment and software, and internet/e-mail access are intended to increase employee productivity in the conduct of their official duties with the City. City Employees will comply with the Public Records Act as it relates to electronic communications. Inappropriate use of information systems or electronic communications, as defined below, is prohibited, and may be subject to disciplinary action up to and including termination.

#### A. Definitions.

1. "Electronic communication" is defined as an electronic exchange of information with a citizen, another employee, the internet, and/or the public at large.
2. "E-mail" is an electronic communication that may be sent to another user within the City's information system or to a user outside the City's system via the internet.
3. "Information systems" include all electronic equipment, software and/or data (either furnished by the City or property of the employee) used in the performance of their work assignments, including computers, cell phones, telephones, fax machines, pagers, e-mail, voice mail and palm pilots.
4. "Internet" refers to the World Wide Web.
5. "Intranet" refers to the City's internal website accessible only to City employees.



B. Business Use and Limited Personal Use.

The City's electronic equipment and information systems are intended for professional business use in performing the duties of an employee's job. The City reserves the right to block employee business and personal access on City equipment to the internet or to specific internet sites when the employee's position does not require access, or when a site violates City policies or is unnecessary for the performance of the employee's official duties. Examples of blocked sites for all employees are pornographic sites and internet dating sites (except in the case of identified law enforcement personnel whose access is necessary for the performance of their official duties). Limited personal use of the internet may be permitted, with prior approval, according to the following guiding principles:

1. It is incidental, occasional and of short duration;
2. It is done on the employee's personal time. Personal time means off-duty, on an unpaid lunch break, or for 24-hour shift personnel, while on standby;
3. It does not interfere with any employee's job activities. This includes activities which might pose a conflict of interest or appearance of fairness problem with individual's employment with the City;
4. It does not result in incremental expense to the City. Examples of "incremental expense" include, but are not limited to long-distance telephone, cellular phone or fax charges;
5. The employee has their supervisor's prior approval for said personal use, which approval shall only be given when consistent with the requirements of these procedures;
6. It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
7. It does not violate the other "prohibited uses" or other specific limitations outlined in these procedures.

C. Prohibited Uses.

The creation, transmission, downloading or storage of any document, data or message which reasonably can be construed as relating to or promoting the following, are prohibited:

1. Discrimination or harassment on the basis of age, race, color, gender, creed, marital status, national origin, disability, sexual orientation, or any other factor protected under federal, state, or local law;
2. An expression regarding personal political or religious beliefs;
3. An expression of rumors or gossip about any individual or group of individuals;
4. Any business or non-profit organization as defined by the IRS other than employees representing the City's labor unions when conducting union business related to the City;
5. Any language and subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the City's Anti-Harassment Procedures, 2.2;
6. Any communication to solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations;
7. Any information that violates copyright laws including illegally downloading audio and video files;
8. Copying or installing any non-City licensed computer software;
9. On-duty use of games including on-line games and gambling, except during off-duty or lunch periods, and standby periods for 24-hour shift personnel;
10. See also specific prohibitions relating to individual types of system use, below.

D. Electronic Communications - "e-mail".

The City encourages the use of e-mail as a method of increasing employee productivity, thereby improving the overall capabilities of the City to serve its citizens.

With few exceptions, everything in government relating to the conduct of government or the performance of governmental functions, whether written, recorded, taped, or electronically stored is subject to public inspection. The Public Records Act (RCW 40.14) applies to electronic mail; the following guidelines should be followed for records retention of e-mail. For these and other reasons, while e-mail is less formal than memoranda or letters, it should still follow the standards of good business etiquette.

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender, such as meeting notices, reminders, telephone messages and informal notes, should be deleted once their administrative purpose is served.
2. All other messages used in connection with the transaction of governmental business constitute a public record. Such records are subject to public inspection and copying; users should print out a copy of the record and file for keeping according to the City's Records Retention Schedule.
3. E-mail should not be used when seeking legal advice or to discuss matters of pending litigation or other "confidential" City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system.
4. External e-mail will not be used for personal use, since employees' conventional e-mail address includes the City's "return address."
5. Limited personal internal use of e-mail may be permitted if it complies with the provisions of Section B and does not violate Section C. General announcements via internal e-mail should be avoided; use of an electronic "bulletin board" or the City Employee Newsletter is preferred.

E. Internet Use: Browsing, ListSrvs, Newsgroups, etc.

1. It is the policy of the City to maximize the cost-effective use of its computer systems as a means to improve efficiency and productivity. All employees are responsible for using the internet resources in an effective, ethical and lawful manner, and in accordance with these procedures. Employees may be authorized by their Department Director to have internet access to enhance their ability to perform the duties of their position.
2. Personal use may only consist of browser capability and may not include ListSrvs, Newsgroups, instant messaging, Chat Rooms or other capabilities unless specifically approved by the Department Director, which approval shall only be given when consistent with the requirements of these procedures.
3. Any purchases made on behalf of the City via the internet must conform to the City's purchasing procedures and budget allocations.
4. Using City equipment or City internet connection to violate the integrity of another system (hacking), including creating or

propagating viruses, worms, or Trojan Horse programs is prohibited.

F. System Security.

1. Acquisition of computer equipment. All acquisitions of information systems components will be coordinated through the Information Technology Division. This includes demonstration hardware and software used for evaluation purposes as well as products acquired for ongoing use.
2. Conscientious care. All employees are responsible to care for the personal computer system components that they are assigned or using. Employees are responsible for promptly reporting any equipment, software and data damage and/or destruction of which they become aware.
3. Downloading/installing software (including upgrades and screensavers). The City computer system is designed to work in a network environment. Installation of unauthorized software can result in damaging the integrity of the system. Employees are responsible for obtaining the approval of their supervisor and the Information Services Division before downloading or installing software on any City-owned computer.
4. Downloading files from the Internet. Employees are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to City business.
5. Unauthorized access. Employees are prohibited from using "loopholes" or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given. Employees are responsible for keeping their password confidential and not sharing it with other users.
6. Attempt to circumvent or subvert system or network capabilities.
7. Use of aliases. Use of aliases while using the internet or internal e-mail is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.
8. Make use of unlicensed or copied software is prohibited on any City computer. No supervisor or department director may authorize the use of unlicensed or copied software on any City computer.

9. Password Integrity. Employees are prohibited from sharing system or application passwords with any other person without prior written notification of the Information Technology Division. Employees are prohibited from selecting passwords from City systems or applications that are used at home or other personal usages.

G. Telephone, Fax, Cellular Phone, Computer Printers, Photocopy Machines.

1. Telephones. City employees should minimize accepting and placing personal calls during business hours. Personal calls should be made during an employee's break or lunch hour. Long Distance personal calls should be charged against the employee's personal credit card or home number. If an employee makes a personal long distance call on a City account, the employee will reimburse the City for that expense.
2. Facsimile Machines. Employees may not use City FAX machines for personal use to send long distance facsimile messages, or to receive local or long distance facsimile messages. If an employee makes a personal long distance fax on a City account, the employee will reimburse the City for that expense; if an employee receives a solicited personal fax on a City machine, the employee will reimburse the City at the rate established by the Comprehensive Fee Schedule.
3. Cellular Telephones. City employees should minimize accepting and placing personal calls during business hours. Cellular telephones should not be used for personal use, except for necessary work-related situations such as unanticipated overtime or family emergencies. Employees may be required to reimburse the City or be subject to disciplinary action pursuant to the Personnel Policies for any non-work-related, local and long-distance personal cellular telephone charges that are not authorized under these procedures.

Employees are responsible for obtaining approval from their supervisor and the Information Technology Division prior to downloading or installing software on any City owned cell phone.

4. Computers & Printers. City employees may use City computers for personal use if said use meets the criteria outlined in Section B above and does not violate Section C of these procedures; said employees will reimburse the City at the rate established by the Comprehensive Fee Schedule for use of City printers.
5. Photocopy Machines. City employees may use City photocopy machines for personal use by paying a photocopy charge established by the Comprehensive Fee Schedule.
6. Other equipment. Except as provided in these procedures, employees shall not use City equipment for personal use. In no event

shall a City employee take City property to their home for City related business without prior consent of the employee's supervisor.

### H. Monitoring, Enforcement and Penalties

1. All hardware, software, programs, applications, templates, data and data files residing on City information systems or storage media, whether City business or personal, are the property of the City of Bothell. The City retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to employees.
2. The City retains the right to monitor and audit the use of e-mail and internet use. The right to use these technologies does not include the right to privacy.
3. Deleted documents, messages and data may be retrieved from a variety of points in the network. Employees should assume that electronic evidence discovery might recover deleted or unsaved data.
4. Employees' use of a personal internet account on City equipment, and employees' use of a City internet account on personal equipment, are subject to prior supervisor approval and the provisions of these procedures. Said employees should be aware that their personal e-mail and electronic files could be monitored by the City, and could be reviewed as part of a Public Records request.
5. Each employee is required to read and sign the Electronic Communications procedures. In addition to any other penalty, fine or cost reimbursement required by any provision of these procedures, violation of these procedures may result in discipline, up to and including termination of employment.

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.6 Substance Abuse and Drug and Alcohol Testing

Personnel Procedures Approved: 7-7-2014

1. PURPOSE: The purpose of these procedures is to provide for employee fitness for duty and to protect our employees and the public from risks posed by worker use of alcohol and drugs.
2. ORGANIZATIONS AFFECTED: All department/divisions. Employees who operate commercial motor vehicles and hold a commercial driver's license (CDL) are also subject to specific drug and alcohol testing as required by Federal regulations, and as set forth in the City's Drug and Alcohol Testing Policy for Operators of Commercial Motor Vehicles (see Appendix C). Refer also to Department Standard Operating Procedures (SOP's).
3. REFERENCES: Drug-free Workplace Act of 1988; Americans with Disabilities Act of 1991.
4. PROCEDURES:

The City is committed to ensuring a safe and healthy work environment, free from employees whose job performance may be impaired by the use of prescription and non-prescription drugs, over-the-counter drugs, illegal controlled substances and alcohol.

#### A. Prohibited Substances.

1. Prohibited drugs are any illegal controlled substance including, but not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the USDA or the USFDA. Notwithstanding the legalization of marijuana use under Washington law, marijuana remains an illegal drug under federal law and its use is therefore prohibited under this policy. Illegal use includes use of or impairment by any illegal drug, misuse of legally prescribed or over the counter drugs, or illegally obtained prescription drugs.
2. The use of any beverage or mixture, including any medication, containing alcohol during or prior to driving a City vehicle, or that could prevent the employee from performing job duties safely and effectively is also prohibited.
3. The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited, although use is subject to the reporting requirements set forth in Section 4.C below.

- B. Prohibited Conduct. The following behavior is strictly prohibited:
1. The manufacture, possession (except as requirements of law enforcement), distribution, dispensing and use of alcohol and prohibited substances in the workplace, at any City worksite, in a City vehicle, and/or while on duty. This policy does not prohibit an employee from possessing a gift of unopened alcohol (e.g., giving or receiving a bottle of wine as a holiday gift) at work, nor does it prevent employees with take-home cars from transporting unopened alcohol beverages in their assigned vehicle during off duty hours (e.g., stopping at the grocery store on the way home from work).
  2. Coming to work or being on duty while under the influence of alcohol (including medication containing alcohol) or controlled substances.
  3. Alcohol consumption while on duty, or on stand-by or on-call status.
  4. Refusal to take a drug or alcohol test when indicated by these procedures.
  5. Attempting to falsify drug or alcohol test results.
- C. Prescription or Over-the Counter Medications. Whether prescribed or over the counter, an employee who is taking a drug or medication which may adversely affect the employee's ability to perform work in a safe and productive manner is required to report use of such drugs or medication to their supervisor and/or to Human Resources. An employee shall have no obligation to inform his or her supervisor or Human Resources of such use unless, according to a warning notice or the input of a physician or pharmacist, the drug may cause a possible impairment that could prevent the employee from performing his or her job safely or effectively. In such cases, the employee should notify his or her supervisor or Human Resources so that a determination can be made as to whether it is in the best interests of the City and the employee that the employee work, not work or be reassigned during the period medication is used. Records relating to prescription medication will be treated as confidential health care information and maintained in separate medical files in the City's Human Resources Department. Only a supervisor who needs to know limitations on the employee's work activity and, when appropriate, emergency or first aid personnel, will be provided information regarding the drug usage.
- D. Alcoholism/Substance Abuse. The City recognizes alcoholism and substance addiction/dependency as illnesses and encourages employees with such chemical dependencies or addictions to seek treatment through the Employee Assistance Program or their Health Care Provider. Leave to obtain substance abuse treatment may be available under the Family and Medical Leave Act (FMLA) or as reasonable accommodation; however, current use of drugs and/or alcohol that adversely affects performance is not



## 10.6 Substance Abuse and Drug and Alcohol Testing

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protected and is subject to disciplinary action and mandatory substance abuse evaluation and/or treatment.

- E. Use of Sick Leave. Employees actively pursuing treatment of an alcohol or chemical dependency problem may be allowed to utilize sick leave during the period of treatment, but not during any period of relapse. That is, an employee's current alcohol or drug use or abuse shall not be grounds for sick leave use. Use of sick leave is one option the City has in providing reasonable accommodation to an employee recovering from alcoholism or substance abuse. However, this section does not require the supervisor to waive job performance requirements.
- F. Drug and Alcohol Testing.
  - 1. Types of Testing.
    - a. Pre-employment (safety sensitive positions). The City may require pre-employment drug and alcohol testing when hiring for safety-sensitive positions. Offers of employment for such positions will be conditioned on the applicant submitting to and successfully completing and passing a drug and alcohol test in accordance with the testing procedures described in this policy. Testing may also be required when employees transfer to a safety-sensitive position.
    - b. Reasonable Suspicion (all positions). Employees who are reasonably suspected of being under the influence of drugs or alcohol shall be suspended from job duties with pay pending an investigation and verification of condition. All employees are subject to a drug or alcohol test when there is a reason to suspect impairment immediately prior, during, or immediately after performing job duties. A referral for testing will be made on the basis of documented objective behavior, speech, appearance or other facts and circumstances.
    - c. Other. Individual employees may be subject to testing as a result of a last chance or return to work agreement.
  - 2. Compliance with Testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty with pay immediately. Refusal can include an inability to provide a specimen or breathe sample without a valid medical reason or delaying arrival at the collection site. Following investigation, if substantiated, such refusals or falsification will be treated as insubordination and recorded as a positive test, with the employee subject to disciplinary action as appropriate.

## 10.6 Substance Abuse and Drug and Alcohol Testing

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3. Confidentiality. Confidentiality is maintained throughout the drug/alcohol testing process. The Human Resources Department will maintain results in the strictest of confidence in a medical file separate from the official personnel file. In cases where disciplinary action results from a positive test, such information is shared only with those in a supervisory or union capacity involved in that action. The City of Bothell will carry out these procedures in a manner which respects the dignity and confidentiality of those involved.
4. Consequences.
  - a. Employees who test positive for drugs or alcohol will be subject to discipline, up to and including immediate termination of employment. Job applicants who test positive will have their conditional job offers withdrawn.
  - b. Employees who violate other aspects of this policy (e.g., by possessing, selling or distributing prohibited substances at work) shall also be subject to discipline, up to and including immediate discharge.

### G. Employee Responsibilities.

1. It is the responsibility of each employee to correct their own unsatisfactory performance resulting from an alcohol or substance abuse problem. Failure to achieve and maintain satisfactory job performance will result in appropriate disciplinary action.
2. If an employee is either arrested for, charged with, or convicted of a criminal drug violation while on duty in the workplace, the employee must notify their supervisor or department director in writing within five calendar days.
3. It is the responsibility of each employee to understand and comply with these procedures and to report violators to their supervisor. Questions should be directed to the Human Resources Department.

- ii. All other positions. Non safety-sensitive employees, or safety-sensitive employees involved in an accident while operating other than a commercial vehicle: conducted upon reasonable cause or suspicion. Where Police are involved in accident investigation, law enforcement shall determine the necessity for drug/alcohol testing.
- d. Periodic (safety-sensitive positions). Conducted in conjunction with required medical exams.
- e. Random (safety-sensitive positions). Conducted on a random unannounced basis on 25 percent of safety-sensitive positions for alcohol and 50 percent of safety-sensitive positions for drugs, annually. (The intent of these procedures may be met by testing the same percentages of positions in a pool of employees formed by a consortium of employers.). Random alcohol tests must be done just before, during or just after operation of a commercial motor vehicle.
- f. Upon Return to Duty and Follow-up (all positions). Conducted when an individual who has violated the prohibited alcohol or drug conduct standards returns to work. For safety-sensitive positions, unannounced follow-up tests are required and at least 6 tests must be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

### 5. Results.

- a. Pre-employment. Positive results of alcohol or drug testing at pre-employment screening result in disqualification of the candidate.
- b. Post employment. An employee who tests positive for drugs or alcohol (.04 alcohol concentration or greater) will be removed from duty for at least eight (8) hours, informed about educational and rehabilitation programs available, and evaluated by a substance abuse professional (SAP). The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with substance abuse. Assessment by a SAP does not protect an employee from disciplinary action or guarantee employment. A positive drug or alcohol test also will result in disciplinary action up to and including discharge as determined to be appropriate following an investigation of the occurrence(s) which gave rise to the positive results and of the relevant drug or alcohol related behavior of the employee.

## 10.6 Substance Abuse and Drug and Alcohol Testing

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The employee may not return to duty until they have been evaluated by a substance abuse professional, has complied with recommended rehabilitation and has a negative result on a return-to-duty drug or alcohol test (less than .02 alcohol concentration).

An employee who tests positive for alcohol levels at .02 or greater, but less than .04, will be removed from driving until the employee tests negative (less than .02 alcohol concentration).

### G. Employee Responsibilities.

1. It is the responsibility of each employee to correct their own unsatisfactory performance resulting from an alcohol or substance abuse problem. Failure to achieve and maintain satisfactory job performance will result in appropriate disciplinary action.
2. It is the responsibility of any employee who is convicted for a drug statute violation, including those convicted for driving under the influence, to inform their supervisor or department director within five (5) days after the conviction.
3. It is the responsibility of each employee to understand and comply with these procedures and to report violators to their supervisor. Questions should be directed to the Human Resources Department.

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.7 Smoke Free Workplace

Personnel Procedures Approved: 11-1-2014

1. PURPOSE: To establish procedures regarding smoking while on duty. The intent of these procedures are to provide a smoke-free environment for non-smoking employees.
2. ORGANIZATIONS AFFECTED: All department/divisions. Refer also to Department Standard Operating Procedures (SOP's).
3. REFERENCES: Revised Code of Washington 70.160.011 et seq., Bothell Municipal Code 8.48.010.
4. PROCEDURES:

Smoking is prohibited in all indoor, enclosed areas in which the City transacts business, and within twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.

Examples of smoking include, but are not limited to cigarettes, pipes and e-cigarettes. Indoor, enclosed areas include, but are not limited to offices, meeting rooms, hallways, stairways, lunch rooms and break rooms. City employees are also prohibited from smoking in City vehicles and equipment.

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.8 Employees On-Call

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures for employee conduct while on-call.
2. ORGANIZATIONS AFFECTED: All Non-Uniformed City Departments. For Police and Fire, refer to Department S.O.P. and/or Union/Guild contract.
3. REFERENCES: Federal Fair Labor Standards Act.
4. PROCEDURES:

Employees who are appointed to serve on-call are not restricted as to the activities they may engage in, as long as the other requirements of these procedures are met.

Employees on-call are not required to remain on City premises and can use the time freely for their own purposes. Employees must only be available by telephone or pager, as determined by the City. Employees on-call are required to maintain themselves in a state of readiness so that they may respond when paged or called within 30 minutes of notification. Employees on-call shall not consume alcoholic beverages or prohibited drugs as defined by Personnel Procedures 10.6, Drug-Free Workplace during or 8 hours preceding their on-call status, as their ability to respond could be impaired. Refer to Drug Free Workplace Procedures 10.6.

- A. Refer to Departmental SOP's.

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.9 Telecommuting

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: It is the purpose of these procedures to set forth uniform standards for selection, supervision, and evaluation of employees to telecommute.
2. ORGANIZATIONS AFFECTED: All departments/divisions with employees who meet the criterion for Telecommuting and request the opportunity to do so.

Definition: Telecommuting means working at a location other than city facilities to conduct an employee's job duties.

3. REFERENCES: City of Bothell Policy and Procedures: 5.2, Hours of Work; 12.6, Commute Trip Reduction.
4. PROCEDURES:

The City, through its Commute Trip Reduction Procedures and Plan (Procedures 12.6), has been proactive in its efforts to reduce single occupancy vehicles (SOV) commute trips and vehicles per mile trips (VMT) per employee at each affected work site.

Some employees may perform duties which do not require them to be on site or are amenable to being performed at work space in the employee's residence.

Telecommuting may be approved by Department Directors if they, in their discretion, find that doing so will not negatively impact service delivery, customer service, or the overall functions of the work unit. Department Directors may create telecommuting opportunities to enhance efficiency and service delivery. All requests require the prior review of the Human Resources Director.

Telecommuting is not a right, requires prior approval and may be discontinued without advance notice by the supervisor. Telecommuting will be discontinued if the employee receives an unsatisfactory performance appraisal.

- A. Eligible Employees. Employees are eligible to request telecommuting if they:
  1. Have job duties that are not required to be performed at the City's facilities.
  2. Can be available by telephone during all telecommuting hours.
- B. Employee Responsibility. Eligible employees may make a request to telecommute to their supervisor. The application must be submitted in writing. The application must include:

1. Proposed Telecommuting day(s) requested.
  2. Tasks the employee proposes performing when telecommuting.
  3. How performance will be assessed for work performed while not on site.
  4. Impact on the employee's work unit.
- C. Supervisor Responsibility. The supervisor will consider the application based on the provisions of Section 4.
1. Meet with the employee to establish a Telecommuting Agreement detailing the expectation for both quality and quantity of work to be performed.
  2. Review employee's work relative to the agreement, making adjustments as needed.
  3. Recommend approval or denial to the Department Director within 14 days of receipt of the application.
- D. Department Director Responsibility. The Department Director will confer with the Human Resources Director, and in their discretion, approve or deny the application for telecommuting within 14 days of receipt.
- E. REGULATIONS: All participants must understand and agree to the following regulations:
1. Telecommuting is not a substitute for child or elder care. The telecommuter must manage dependent care and personal responsibilities in a way that allow job responsibilities to be met.
  2. The duties, obligations, responsibilities, and conditions of employment are not changed by telecommuting.
  3. Telecommuting employees remain obligated to comply with all city and department policies and procedures. Violation may result in discontinuance of the employee's telecommuting privileges and/or disciplinary action.
  4. Work hours, overtime compensation, and vacation schedules will conform to City policies and procedures. Adjustment to agreed upon work hours require prior supervisor approval.
  5. Employees will work at a designated location during hours agreed upon and will not work anywhere else unless agreed upon with the supervisor.



6. Employees agree not to conduct unauthorized employment when telecommuting.
7. Employees are not to have citizens, vendors or other customers visit the employee at the telecommuting site.
8. Expectations must be pre-established between telecommuters and supervisors regarding work assignments, productivity level, and productivity measurements to be used when employee is telecommuting.
9. The City has no obligation to provide equipment or IT support at the telecommuter's home. Each situation is dependent on department discretion and the availability of equipment.
10. When employees use their own equipment, they are responsible for its maintenance and repair. Employees will cover all utility costs including long distance phone or fax charges that would not have been long distance from the City, incurred while working at home.
11. In the event of delay in repair or replacement of equipment or any other circumstance under which it would be impossible for the employee to telecommute, the employee will return to their City workstation.
12. Employees must designate a work space at home which must be maintained in a safe, hazard-free condition. Telecommuters will be responsible for completing a home workspace safety checklist and arranging for a review of the workspace by their supervisor. Any accident must be brought to the immediate attention of the supervisor.
13. With 24-hour notice, an appropriate City representative may make on-site visits to the employee's home to determine that the work site is safe, free from hazards, and: to maintain, repair, inspect, or retrieve any City owned equipment or work product.
14. Telecommuters must have a method of receiving and responding to communications during all hours of telecommuting (such as messages, voice mail, or e-mail etc.).
15. The City's workers' compensation insurance for job-related accidents will continue to exist during the employee's telecommuting work hours.

16. Telecommuters remain liable and will agree to hold the City harmless for injuries to third parties and/or members of the employees' families on employees' premises. The City is not liable, and telecommuters will agree to hold the City harmless, for damage to employees' real or personal property.
17. Telecommuters will take all precautions necessary to secure City information in their homes and prevent unauthorized access to any City system or information. If City equipment is stolen or damaged while at employee's home, the employee or the employee's homeowners or renter's insurance will be responsible for the loss.
18. Telecommuting employees' home address and telephone numbers remain confidential and will not be released.

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.10 Vehicle Operation and Drivers' Record Checks

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish procedures which provide vehicles for business use, to allow employees to drive on City business, and to reimburse employees for business use of personal vehicles according to the guidelines below.
2. ORGANIZATIONS AFFECTED: All department/divisions. All Non-Uniformed City Departments. For Police and Fire, refer to Department S.O.P. and/or collective bargaining agreement.
3. REFERENCES: Not applicable.
4. PROCEDURES:
  - A. Operation Guidelines of City Vehicles. All employees who are authorized to drive a City vehicle must have a current and valid Washington State Driver's License and maintain a safe driving record that meets the minimum criteria set forth below.
    1. As a driver of a City vehicle, employees must observe all traffic laws, drive safely and defensively in the performance of their duties and maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving.
    2. Except where explicitly authorized by an employment contract or other written documentation, City vehicles are to be used for official City business only.
    3. Employees may not drive any vehicles for City business without prior approval of their supervisor. Employees approved to drive on City business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.
    4. Employees who require regular driving for business as an essential job function must, as a condition of employment, be able to meet the driver approval standards of these procedures at all times. For all other employees, driving is considered only a non-essential function of the position.

5. Employees who need transportation in the course of their normal work may be assigned to a City vehicle for their use. All other employees needing transportation for City business may use vehicles assigned to their department or those drawn from the motor pool. As a last alternative, when no City vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor.
  6. Non-employee and Non-business passengers are prohibited from riding in City vehicles, i.e., family and friends.
  7. Employees must report any accident, theft, or malicious damage involving a City vehicle to their supervisor and the Human Resources Department, regardless of the extent of damage or lack of injuries (See Personnel Procedures 12.2). Such reports must be made as soon as possible but no later than twenty-four (24) hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigation officers.
  8. Employees who are on call on a 24-hour basis and are allowed to take a City vehicle home so they can respond as soon as possible need to provide written acknowledgment that they fully understand that the vehicle is used only as part of emergency response. In some cases, take-home vehicles may be considered "fringe benefits" under IRS regulations and the employee may be subject to payroll taxes associated with this benefit.
  9. Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication.
  10. Employees shall not operate any City vehicle at any time or operate any personal vehicle while on City business while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. The City has a zero tolerance practice prohibiting operators of vehicles from drinking alcohol, consuming illegal drugs, and taking prescription medications that affect ability to drive, and driving. Refer to Personnel Procedures 10.6 Substance Abuse - Drug Free Workplace and Drug and Alcohol Testing.
- B. Operation of Personal Vehicle on City Business. Short, in-town use of personal vehicles may be authorized by a supervisor when a City vehicle is not available. In the event an employee drives their personal vehicle on City

business, the employee will be reimbursed at the standard mileage rate currently in effect, upon submittal of an approved travel expense voucher to the Finance Department. The mileage rate is intended to cover the cost of gasoline, vehicle maintenance and insurance. The employee should have proof of automobile insurance on file with the City, as the employee's insurance will apply to any accident occurring in a personal vehicle. When driving a personal vehicle, employees must obtain insurance from their personal insurance carrier to cover damages incurred in the event of an accident while on duty. If the employee does not carry coverage for driving their personal vehicle while on duty, the employee will be held personally responsible to pay for all damages incurred to their vehicle.

- C. Drivers' Records Checks. Employees operating a City vehicle shall at all times have a valid Washington State Driver's License. The City may verify the drivers' records of employees who are authorized to drive City vehicles for both employment related and non-employment related violations. As a condition of employment, employees shall sign an authorization form granting the City permission to check employee driving records. A failure to sign such a release may result in disciplinary action up to and including termination. Supervisors shall check employees' driver's licenses periodically for current status with the employee's consent. A photocopy of each employee's driver's license shall be filed with the Human Resources Department.

Failure to be legally authorized to operate a City vehicle may impair an employee's ability to satisfactorily perform their job. Such conditions are subject to the review of the appropriate supervisors and management, and any corrective actions or dismissal will follow existing disciplinary guidelines.

- D. Driving Violations.

1. Definitions. For the purposes of these Procedures, the following definitions apply:
  - a. "Type A Violations" are serious criminal traffic offenses, which could result in the revocation of the employee's driver's license. Conviction of a Type A violation normally results in revocation of an employee's authorization to drive a City vehicle while the conviction is on the employee's driving record. These include:
    - Driving while intoxicated;
  - b. Driving under the influence of drugs;
  - c. Negligent homicide or personal injury arising out of the use of a motor vehicle (gross negligence);
  - d. Operating a motor vehicle during a period of license suspension or revocation;

## 10.10 Vehicle Operation and Drivers' Record Checks

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- e. Aggravated assault with a motor vehicle;
  - f. Reckless driving;
  - g. Hit and run - attended vehicle;
  - h. Driving without insurance as a result of a previously suspended license;
  - i. Vehicular assault;
  - a. "Type B Violations" are all moving violations not listed as Type A Violations.
  - b. "Accident" means an occurrence resulting in bodily injury, death or property damage that was found to be preventable by the Accident Review Board.
2. Violations categorized as "Type A" Violations (whether on-duty or off-duty, in a City vehicle or non-City vehicle) may result in the employee being prohibited from driving City vehicles or vehicles on behalf of the City. If the violation occurred on duty, disciplinary action may result.

Accidents and violations categorized as "Type B Violations" may also subject the employee to suspension from driving City vehicles or vehicles on behalf of the City (whether the violation or accident occurred on-duty or off-duty) and discipline (if the violation or accident occurs on-duty), based upon a review of the frequency, severity, circumstances, past driving record and employment history.

For employees required to drive as a condition of employment, violations or accidents which result in the prohibition from driving a City vehicle or vehicle on behalf of the City may result in the employee's inability to perform one of the essential functions of his/her job, which in turn, may result in discipline, up to and including termination.

For accidents or violations involving the employee's use of drugs and/or alcohol, refer also to Personnel Procedures 10.6 Substance Abuse - Drug Free Workplace and Drug and Alcohol Testing.

- E. Employee Responsibilities. Employees who are authorized to drive a City vehicle must notify their supervisors immediately, in the event they:
- 1. Have their drivers' license revoked or suspended;
  - 2. Receive a citation for any moving violation while driving a City vehicle;

## 10.10 Vehicle Operation and Drivers' Record Checks

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3. Receive one citation for a Type A violation or two citations within three years for Type B violations or accidents, whether on- or off-duty.

Failure to notify the supervisor in writing as required by this section is grounds for discipline.

## EMPLOYEE CONDUCT AND WORK PROCEDURES

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 10.11 City Credit Card

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To set forth the City's procedures regarding employee use of City credit card.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: City Procurement Policy
4. PROCEDURES:

The City provides credit cards and procurement cards to employees whose responsibilities require them to regularly purchase goods and services related to official City business. Employees issued such cards are responsible for ensuring that they comply with City policies in using the cards and that they promptly report a card that is lost or stolen.

- A. Credit cards will be issued to the City Manager, department directors, and some managers for the purchase of goods and services for official City business or business related travel expenses.
- B. Unauthorized Uses. The Finance Director should be notified immediately of any unintentional or intentional unauthorized use of a City credit card. Employees shall not use City credit cards or procurement cards for:
  1. Cash advances
  2. Personal charges. Any personal charges to a City credit or procurement card shall be paid immediately by the user of the card by cash, check or payroll deduction. Charges to be reimbursed shall include any interest and all other related charges made by the credit card company. Such unauthorized charges shall constitute a lien against all amounts owed by the City to the user of the card until paid in full, and the employee may be subject to disciplinary action up to and including termination.
- C. The City requires employees who purchase services or goods with their City credit card to obtain and provide receipts to the Finance Department as soon as possible. Employees may be responsible for charges that are not authorized or cannot be properly identified or which are not appropriate to City or State policies or regulations. Employees utilizing the City credit or procurement card inappropriately may be subject to disciplinary action up to and including termination.



- D. Lost or stolen cards should be reported as soon as their absence is noticed to the Finance Department.

10.12 Social Media

Personnel Procedures Approved: 5-2-14

1. PURPOSE: To provide guidelines to employees regarding the use of social media.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES:
4. PROCEDURES:
  - A. Policy Statement: The City understands that social media can be a fun and rewarding way to participate in interactive discussions and share information. However, the use of social media also presents certain risks to the City, including unauthorized disclosure of confidential information, exposure to discrimination and harassment claims, and activity detrimental to the City's mission and functions. To assist in making responsible decisions about the use of social media, the City has established these guidelines. This policy applies to all City of Bothell employees.
  - B. Definition of Social Media: *Social media* are technologies that enable online users to interact and share information publicly or privately with one another. *Social media* include a variety of internet-based communication tools, such as, but not limited to, Twitter, Facebook, MySpace, Flickr, Digg, blogs, and wikis.
  - C. Compliance with City Policy: Employees are required to comply with all City policies and rules that might apply to the use of social media, both on and off duty. In particular, the following policies should be kept in mind:
    - Personnel Policy 10.2 (Code of Ethics)
    - Personnel Policy 2.2 (Anti-Harassment Policy)
    - Personnel Policy 2.3 (Prevention of Workplace Violence)
    - Personnel Policy 3.4 (Conflicts of Interest in Employment)
    - Personnel Policy 10.1 (General Rules of Conduct)
    - Personnel Policy 10.5 (Electronic Communications)
    - Administrative Orders 1.5.2 and 1.5.4.
  - D. Social Media Rules: Social media use, whether on or off-duty, that adversely affects an employee's job performance, the performance of other City employees, or that otherwise adversely affects the City's mission and functions may result in disciplinary action, up to and including termination. Note that employees have First Amendment freedoms of speech and association, and no discipline will be sustained that violates such rights.

1. The following additional rules also apply to employees' use of social media, on and off-duty:
  - Social media content that relates to City business may be a public record subject to retention and disclosure under state law. For that reason, except for when assigned as part of their official duties, employees are prohibited from using social media to conduct City business.
  - Employees are required to protect and maintain the confidentiality of all private and confidential City information.
  - Employees may not create a link from their blog, website or other social networking site to a City of Bothell website if such a link causes the viewer to reasonably believe that the City endorses the contents of the employee's social media site.
  - Employees may not use their City email address or the City's official logo for personal online communications or activities. Although employees may identify themselves as employees of the City, employees shall not identify themselves in a manner that suggests or implies they are speaking as a representative for the City, even when the communication occurs in a private setting. If any confusion is reasonably likely, the employee shall expressly state with a disclaimer that he/she is speaking in a personal individual capacity and not for or on behalf of the City.
2. Social Media Use at Work: The City tolerates personal use of its computer resources during employees' authorized rest breaks or lunch periods. On such breaks, employees can access the internet for personal email accounts, personal social media sites and other publicly available websites. The City does not otherwise tolerate use of its computer resources to access the internet for personal reasons. In addition, use of City computer resources is subject to the following rules:
  - Social media should not be used to unlawfully harass, discriminate against, or retaliate against another employee. Social media should not be used to communicate threats in violation of the City's no violence policy.
  - Employees shall not post, upload, or create any social media content that is known to be false, misleading, or fraudulent, or that involves pornographic, sexually explicit, or obscene materials, except as part of law enforcement when assigned as part of their official duties.
  - Employees shall not infringe on the trademark, copyright, or patent rights of others, or violate software licensing agreements.
  - Employees shall not engage in social media for political purposes, including partisan campaigning.

The City's email system is for official City business only. Do not use City of Bothell's email address to conduct personal correspondence for personal use.

3. No Expectation of Privacy: The City prefers that employees use their personal cell phones or tablets to access the internet while on breaks. To the

extent that employees access the internet using the City's computer resources, the employee should be aware that all contents of the City's computer resources and communications systems are City property and employees should have no expectation of privacy whatsoever in any message, file, data, document, facsimile, social media post, conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored or recorded on the City's electronic information and communications system. City email and other electronic records are subject to public inspection and disclosure.

4. Using Social Media Off-Duty: Off-duty, personal use of social media by employees is not prohibited. However, employees are reminded that City rules and policies apply to social media conduct to the same extent as other off-duty conduct, including the terms of this policy.
5. Retaliation Prohibited: The City of Bothell prohibits retaliation against an employee for reporting violations of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for engaging in protected activity will be subject to disciplinary action, up to and including termination.
6. Media Communication: Please refer to Administrative Order 1.5.2 regarding the City's policies and procedures for communication with the media.
7. Conduct Not Prohibited By This Policy: This policy is not intended to restrict communications or actions protected or required by state or federal law.

## DISCIPLINE

## PERSONNEL POLICIES AND PROCEDURES

Personnel Policy Adopted by Res.: (N/A)

### 11.1 Employee Discipline

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To set forth the City's procedures regarding employee discipline due to City employee misconduct or performance problems.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: See Personnel Procedures 10.1 for General Rules of Conduct and causes for discipline.
4. PROCEDURES:
  - A. All employees are expected to comply with the City's Personnel Policies and Procedures, Department Standard Operating Procedures and the City's standards of behavior and performance and that any noncompliance with these standards will be remedied. The City supports a constructive approach to discipline toward the goal of helping employees meet expectations for behavior and performance; however, this is not intended as a guarantee that the employee will view the discipline as constructive.
  - B. Progressive Discipline.
    1. In general, the City endorses a practice of progressive discipline in which the supervisor or department director attempts to provide employees with notice of deficiencies and an opportunity to improve their performance or behavior. However, the City retains the right to administer discipline in the manner it sees fit. Management will review each situation independently and make a decision on what it deems to be appropriate discipline in all cases, up to and including possible immediate discharge. These procedures do not restrict the City's right to bypass progressive discipline or the suggested procedures contained herein if the City determines it is warranted by the circumstances including the severity of the offense. Supervisors and Department Directors shall notify the Human Resources Director of any disciplinary action (other than oral reprimands) being considered and the City Attorney shall be advised of any suspension or termination that is being considered.
    2. Where progressive discipline is considered appropriate, it will generally proceed through the following steps; however, the City has the sole discretion to follow some, none, or all of these, in any order:
      - a. Oral Reprimand. If an employee is not meeting the standards of behavior or performance set by the supervisor, the supervisor and employee may meet to discuss the matter. The employee may be informed of the nature of the problem and

the action necessary to correct it. The supervisor may prepare a memorandum to document the oral reprimand for the supervisor's own records. The oral reprimand is not placed in the employee's Personnel File.

- b. Written Reprimand. If there is a second occurrence of misconduct, or substandard performance, the supervisor may hold another meeting with the employee and take the following action:
  - i. Issue a written reprimand to the employee, describing the problem and what must be done to correct it;
  - ii. Warn the employee, in writing, that a third incident or continued poor performance will result in more severe disciplinary action;
  - iii. The employee must sign to acknowledge the employee has read the reprimand, and may attach a response, if desired;
  - iv. Forward the report to the Department Director and Human Resources Department. This report will be included in the employee's personnel file.
- c. Suspension, Demotion, Termination. If there are additional occurrences of misconduct or substandard performance, the supervisor should take the following action:
  - i. Inform the employee that a Loudermill hearing will be held to discuss the charges of misconduct or unimproved performance, indicating in general terms what the charges are and the range of discipline available to the City. If possible, notice for this hearing should be given to the employee 24 to 48 hours in advance.
  - ii. Investigate the charges;
  - iii. Meet with the employee and allow the employee to respond to the charges. At this meeting, the employee, if represented by a Union, has the right to have a union representative present at the disciplinary meeting, and at any interview which may lead to discipline, if requested.
  - iv. Determine the appropriate level of discipline. In making this determination, supervisors should consider (a) the severity of the offense or performance problem; (b) the

employee's overall record of performance with the City, including frequency and severity of other offenses, if any; (c) mitigating circumstances; (d) the level of discipline received by other employees similarly situated.

- v. Discipline may include suspension for 1 to 30 days; demotion; or termination. FLSA-Exempt employees should receive suspensions in one-week increments with the exception of discipline for violations of safety rules of major significance. Suspension without pay does not affect employee benefits or seniority.
  - vi. Prepare a written report and forward to the Department Director and Human Resources Department, describing the charges, the findings of the investigation, the dates of meetings with the employee, and summarizing the actions to be taken. The Human Resources Department under normal circumstances should review all proposed actions under this subsection prior to implementation.
- 3. The progressive disciplinary procedures described above may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
- C. Written Record. Written reprimand and reports of more serious disciplinary actions are a permanent part of the employee's Personnel File.
- D. Employee Responsibilities. It is the responsibility of each City employee to keep informed of the various work rules and City regulations that affect his or her work and to follow such rules and regulations as they pertain to conduct while on the job.

## 12.1 Safety Program

Personnel Procedures Approved: 10/28/2011

1. PURPOSE: To promote employees' safety awareness; and to assist in the detection and elimination of unsafe work conditions and procedures.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: WAC 296-800-130, WAC 296-800-140
4. PROCEDURES:
  - A. In order to promote the efficiency and effectiveness of the City's service to the community, it is the intent of the City to promote a safe work environment for all of its employees. The Safety Committee is created and is authorized to expend budget funds on the following not to exceed the annual safety budget line item in the Human Resources Department budget. The Safety Committee's primary role will be to provide:
    1. Safety Training. Promote and/or sponsor and publicize safety training opportunities for City employees, including First Aid/CPR, safe lifting, Bloodborne and Airborne Pathogens, workplace ergonomics, etc.
    2. Accident Review. Review vehicular and non-vehicular accidents and make written reports to the City Manager (or designee) presenting a finding of preventable or non-preventable. The Safety Committee's accident review function is separate and distinct from a department's internal investigation of an accident that may have involved Personnel Policy or Procedures violations and could result in disciplinary action.
    3. Facility Safety Inspections. Safety Committee members will develop safety checklists and conduct inspections of City Facilities to determine if any hazardous conditions and/or practices exist. Unsafe findings will be reviewed and discussed by all members. Recommendations for addressing unsafe conditions will be developed and forwarded to the City Manager (or designee).
    4. Develop and implement other Safety Program elements that enhance workplace safety or reduce the likelihood of accidents.
  - B. Departmental Accident Prevention Programs. Individual City Departments remain responsible for development and maintenance of Accident Prevention Programs as required by the RCW and WAC.
  - C. Safety Committee Representation. The Safety Committee comprised of representatives from each department. The Committee must have employee elected and employer selected members. The number of employee elected



members must equal or exceed the number of employer selected members. The Committee shall include a Human Resources staff member and a Manager or Director.

Department Directors are responsible for ensuring that elected alternate representatives are available to substitute for the regular representatives in case of their absence from a Committee meeting. (Alternates are invited to participate in all meetings as non-voting members, except in the absence of the regular member in which case they may vote.)

A member from Human Resources will serve on the Committee as a voting member and will maintain the Minutes of Safety Committee Meetings.

- D. Duration of Safety Committee Member Terms. The term of employee-elected members must be a maximum of one year with no limit to the number of terms a member can serve. There is no maximum term for employer-selected members. Employer-selected representatives will serve two-year terms and staggered terms may be necessary to ensure continuity of the committee. Elections will be held annually in November and December to ensure full representation at the first meeting in January.

If there is an employee elected member vacancy, a new member must be elected prior to the next scheduled meeting.

The representatives will elect from within the Committee a Chairperson who will serve for a maximum one-year term with no limit to the number of terms the Chairperson can serve.

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12.2 Incident Accident Reports

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Personnel Procedures Approved: 10/3/2013

1. PURPOSE: It is the purpose of these procedures to set forth employee obligations and processes regarding the reporting of incidents and accidents.
2. ORGANIZATIONS AFFECTED: All departments and divisions. .
3. REFERENCES:
  - A. City of Bothell Indemnification of Employees and Officers Ordinance (BMC Chapter 2.25); State of Washington Worker's Compensation laws; State of Washington Vehicle Collision Reporting requirements; Interlocal Agreement with the Washington Cities Insurance Authority.
  - B. Forms:
    - Employee Report of Incident/Accident
    - Supervisor Incident/Accident Investigation
    - Witness Statement of Incident/Accident
    - Department Review of Incident/Accident
    - Safety Committee Review of Incident/Accident
4. DEFINITIONS:

An **incident** is defined as a situation giving rise to bodily injury of any kind (to an employee or a non-employee), property damage (City property or property owned by another) or automobile accident of any kind involving a City owned or leased automobile or mobile equipment, or any other situation which a department director believes may give rise to a claim for damages or litigation. **The City Attorney's office must be notified immediately of any incident involving injury (of any kind) to a non-employee or their property.**
5. PROCEDURES:
  - A. Employees must complete an Employee Report of Incident/Accident each time they are involved in an incident, as defined above.
  - B. Employees shall never admit or imply the City's responsibility or agree to pay for damages. Do not give your explanation or opinion as to why an accident happened to a victim or any witness.
  - C. If a citizen believes the damage they incurred is the fault of the City, they may file a claim for damages which may be obtained through the City Attorney's office.

- D. Except for mandatory reporting to law enforcement as required by State law, employees are not to discuss the incident with anyone other than their supervisor, City Management, City Attorney or City Claims Adjuster. Every incident is a potential for a claim, and statements made by an employee could result in the City having to assume liability that may not otherwise result.
- E. Employees are expected to cooperate with any internal investigation that follows; and when contacted by City representatives, to be honest and complete in responding to their inquiries.
- F. In the event of an incident or accident, employees are responsible for following this procedure. **IN THE EVENT OF A SERIOUS INCIDENT OR ACCIDENT (any personal injury or major property damage) AFTER EMERGENCY CONTACT(S) (911, Police or Fire), THE EMPLOYEE SHOULD:**
  - 1. **NOTIFY THEIR SUPERVISOR AND THE SUPERVISOR SHOULD CONTACT THE CITY ATTORNEY'S OFFICE AS SOON AS POSSIBLE BY PHONE OR EMAIL IF A CITIZEN IS INVOLVED.**
    - a. **IF THE SUPERVISOR IS NOT AVAILABLE AND A CITIZEN IS INVOLVED, THE EMPLOYEE SHOULD CONTACT THE CITY ATTORNEY'S OFFICE IMMEDIATELY BY PHONE OR EMAIL.**
- G. Preserve the scene of the incident to the degree possible, including any evidence that may assist in an investigation, while preventing future incidents that may arise from potentially hazardous situations. For example, if the incident arose as a result of a deep pothole in a City street, take thorough photographs, including measurements of the pothole, then contact your supervisor to oversee pothole patching. If damage repair is of an urgent nature, notify your supervisor or designee immediately.
- H. Complete the Employee Report of Incident/Accident at the scene of the incident, if possible. Employees must submit incident reports to their immediate supervisor within 24 hours of the incident. The supervisor must notify Human Resources immediately by phone or email of any employee who received bodily injury and forward a copy of the incident report to Human Resources within 72 hours. **Human Resources will forward incident reports of property damage or non-employee injuries to the City Attorney's office.**
  - 1. Incident documentation should be **complete, consistent and** in accordance with City **procedures**. Record only the facts, not opinions. If you have additional information that should be

considered but not put in writing, indicate on the form for Human Resources or the City Attorney to contact you.

2. Give specific answers to the questions For example, if the incident is an injury from lifting a heavy object, what was the weight of the object? How many times did you lift the object (once, multiple times in an hour)? What tools did you use to assist you in lifting it? Include the names of other employees that assisted you in lifting it.

If applicable, supervisors should contact witness(es) and request that a Witness Statement of Incident/Accident be completed.

I. Additional reporting requirements.

1. For automobile collisions:
  - a. Contact local law enforcement so they can take a report,
  - b. Exchange driver's license and automobile insurance information with the other party,
  - c. Fill out and attach a Washington Motor Vehicle Collision Report.
2. For Employee Injury. Complete the Supervisor Incident/Accident Investigation and forward to Human Resources within 72 hours.
3. For Property Damage. Photograph property damage or equipment to document damage. Attach photos and/or diagrams to incident report where appropriate.

- J. All incidents will be reviewed by the Department and the City Safety Committee

**SEE ATTACHED INCIDENT ACCIDENT FORMS**



## Employee Report of Incident/Accident

Completed form must be submitted to immediate supervisor  
within 24 hours of incident.

☐ Near Miss    ☐ Vehicle/Property/  
Equipment Damage    ☐ Bodily Injury  
(first aid only)    ☐ Bodily Injury  
(requiring medical  
treatment)    ☐ Occupational  
Illness/Exposure    ☐ Death

### EMPLOYEE INFORMATION

Name:	Work Schedule:
Job Title:	Number of Consecutive Hours on Duty:
Department/Division:	Shift Assignment:
Supervisor:	Number of Years with the City:

### INCIDENT INFORMATION

Date of Incident:	Incident Reported to:
Time of Incident:	Date & Time Reported:
Day of the week:	Exact Location of Incident:
Body Part(s) Injured:	Vehicle/Property/Equipment Damage:
L&I Claim Filed: <input type="checkbox"/> No <input type="checkbox"/> Yes Claim #:	Investigating Agency: Report Number:
Witness:	NFIRS Number (Fire):
Witness:	MIRF Number (Fire):

Employee's Narrative:

Describe the event and results:

What tasks were you performing?

What tools, chemicals, materials or vehicle were you using (for lifting-related injuries, also give weight)?

What type of protective equipment was available to you and were you using/wearing it?

In your opinion, what can be done to prevent this type of incident in the future?

Other comments:

Signature:

Date:



## Witness Statement of Incident/Accident

### INCIDENT INFORMATION – TO BE COMPLETED BY SUPERVISOR

Date of Incident:

Brief description of Incident:

### WITNESS INFORMATION – TO BE COMPLETED BY WITNESS

Name:

Contact information:

Are you a City employee: ☐ Yes ☐ No

### WITNESS STATEMENT

Did you witness this incident? ☐ Yes ☐ No

If yes, please record your observations of what happened:

Signature:

Date:

(Use a separate form for each witness)



## Supervisor Incident/Accident Investigation

Forward completed form to Human Resources  
within 72 hours of incident.

### SUPERVISOR INFORMATION

Supervisor:	Did you observe the incident? <input type="checkbox"/> Yes <input type="checkbox"/> No
Department/Division:	Date Incident was reported to you:
Job Title:	Time Incident was reported to you:

### INCIDENT INFORMATION

Employee Name:	Work Schedule:
Job Title:	Number of Consecutive Hours on Duty:
Department/Division:	Shift Assignment:
Property Damage: <input type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Catastrophic Loss	Equipment Damage: <input type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Catastrophic Loss
City Employee Injuries: <input type="checkbox"/> Yes <input type="checkbox"/> No Number:	Citizen Injuries: <input type="checkbox"/> Yes <input type="checkbox"/> No Number:
DOT D&A Testing Required: <input type="checkbox"/> Yes <input type="checkbox"/> No (see Personnel Policy 10.6,4,F,4,c)	Time D&A Testing was completed: Place D&A Testing was completed:

Supervisor's Narrative: *(describe facts)*

Do you agree with the information the employee provided? ☐ Yes ☐ No

If not, why?

Root Cause of Incident:

Contributing Causes of Incident:

Supervisor's Recommendations for Prevention and Follow-Up:

Equipment Needed/Changed:

Training Needed:

Change in Work Practices:

Further Investigation Recommended:

Supervisor's Signature:

Date:

Director's Signature:

Date:



## Department Review of Incident/Accident

Forward completed form to Human Resources.

### Department Review

Name:  
Position:

Name:  
Position:

Name:  
Position:

Name:  
Position:

Department Review Comments: *(Cause, contributing factors, recommendations)*

This incident/accident was: ☐ Preventable ☐ Non-Preventable

Director Signature:

Date:





## Safety Committee Review of Incident/Accident

Forward completed form to Human Resources.

### Safety Committee Review

Committee Review Comments:

Human Resources Facilitator Signature:

Date:

### 12.3 Employee Right to Know of Hazardous Materials

Personnel Procedures Approved: 10/15/2013

1. PURPOSE: To establish procedures to maintain a safe and healthful workplace and advise employees of their right to know of any hazardous or health threatening materials in the workplace.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: WAC 296-62-055, WAC 296-901-140
4. PROCEDURES:
  - A. Worker Right-to-Know: Hazardous Communication.
    1. Compliance with State Regulation. In order to comply with WAC 296-62-055, the City has adopted the following, which covers all departments, divisions and work units of the City. Each City Department is responsible for preparing a written hazardous communication program which contains at least the following elements:
      - a. A list of the hazardous chemicals used in the department;
      - b. How the Department will inform employees of the hazards of non-routine tasks and the hazards associated with chemicals contained in unlabeled containers in their work areas;
      - c. How the Department will inform the employees of the labeling system used in the workplace. (See 4.1, D of these Procedures).
    2. Employee Training and Information. The Department Director or their designee is responsible for employee training related to hazardous materials.
      - a. At the time of an employee's initial assignment to a department or division, and whenever a new physical or health hazard is introduced into the work environment, employees shall be provided with effective information and training, designed to cover the types of hazard they will encounter.

## 12.3 Employee Right to Know of Hazardous Materials

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- b. Employee training shall include at least:
  - i. The methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area;
  - ii. The physical and health hazards of the chemicals in the work area including the likely physical symptoms or effects of exposures;
  - iii. The measures employees can take to protect themselves;
  - iv. An explanation of how the labeling system and Safety Data Sheets (SDS) forms are used.
- 3. Container Labeling. Each department will verify that all containers are clearly labeled as to their contents, note the appropriate hazard warnings and list the name and address of the manufacturer.
- 4. Safety Data Sheets (SDS).
  - a. Each department is responsible for obtaining, maintaining and reviewing all incoming data sheets for new and significant health and safety information and for seeing that any new information is passed on to the concerned employees.
  - b. Copies of SDS forms for hazardous chemicals to which employees of the City may be exposed are kept in the individual Departments or at the site of City Divisions. The SDS forms shall be readily accessible to employees.
- 5. Hazardous Non-Routine Tasks. Periodically, employees may be required to perform hazardous non-routine tasks such as working with chemicals in confined spaces. Prior to starting work on such projects, the division supervisor will brief each employee about hazardous chemicals to which the employee may be exposed and will explain safety precautions to be taken.
- 6. Contractors. It is the responsibility of the contracting Department to provide contractors with information on hazardous chemicals on the job site, and of any precautions the contractor's employees may take to lessen the possibility of exposure.

## 12.4 Emergency /Disaster and Pandemic Influenza Preparedness

Personnel Procedures Approved: 10-20-09

1. PURPOSE: To establish procedures for on and off-duty employees in the event of a natural or manmade disaster or pandemic influenza.
2. ORGANIZATIONS AFFECTED: All department/divisions. Refer also to individual Department Standard Operating Procedures.
3. REFERENCES: City of Bothell Comprehensive Emergency Management Plan.
4. PROCEDURES:
  - A. Natural or Manmade Disaster. In case of a natural or manmade disaster, off-duty employees shall take appropriate steps to protect themselves and ensure the safety of their families, and then report to work as soon as possible.
    1. In the event a state of emergency is declared by the City Manager, the Fire Chief is designated as the Emergency Services Director and all City Employees will follow the Chief's orders, regardless of department chain of authority or command.
    2. Employees will be compensated for all time worked in the event of an emergency according to the Fair Labor Standards Act and applicable Collective Bargaining Agreements.
    3. Employees who are scheduled to work, but unable to report to work due to disaster conditions will not be compensated as "time worked" but may take vacation or comp time to compensate for said leave.
    4. If an employee's work location becomes non-operational due to inclement weather or a natural or man-made disaster, said employees may be deployed to another location to work. Alternatively, non-emergency employees may be released from duty due to said conditions at the discretion of the City Manager or designee at no loss in pay for the duration of the disruption of services.
    5. Employees should check themselves and their families for injury and ensure their safety, including assessing the immediate area for damage, in the event of earthquake. Once the security of your family has been established, call the City's Employee Update Hotline (425-487-5135) for information regarding City operations, and report to work as soon as possible, or as directed on the Employee Hotline or your department's standard operating procedures.

12.4 Emergency /Disaster  
and Pandemic Influenza Preparedness  
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6. In the event that you are unable to report to work due to injury, road closures, etc., you should make every attempt to contact the City by phone or any other means available.
7. Designated sites will be assigned for employees to report to for assignments. If you are unable to report to your designated site, report to the nearest City facility.
8. Following disaster, monitor KIRO AM Radio 710 or call the City's Employee Update Hotline at 425-487-5135 for information.

- B. Pandemic Influenza. It is the policy of the City of Bothell to promote a safe and healthy work environment for its employees. To this end, the following procedures are created in an effort to minimize exposure and absenteeism in the event that a pandemic influenza is a threat to our employees, their families and the City. (See also the City's Comprehensive Emergency Management Plan Support Annex #5 - Pandemic Influenza.)

The City of Bothell remains open to serve its citizens in all but the most extreme circumstances. Unless an emergency closing is announced, all employees are expected to report to work on their regularly scheduled shift. However, employees are expected to first ensure the health of themselves and their families and then report to work as soon as possible.

Procedures to Help Minimize the Spread of Germs: Employees are urged to cover their coughs by coughing into their elbows or into a tissue, to wash their hands regularly, to use alcohol hand gel, and to avoid touching their eyes, nose, or mouth. Hands and work surfaces should be disinfected frequently during an outbreak of influenza.

During a Pandemic Influenza:

1. During a pandemic the City may implement temporary emergency procedures to minimize face-to-face contact between employees. Such measures may include greater use of e-mail, websites and teleconferences, and employees may be temporarily assigned to work from home, or work shifts may be staggered.
  - a. When a pandemic has been declared, the City Manager or Emergency Services Director may require daily staff absentee reporting (S.A.R.) from each department to assist in determining the level of impact the pandemic is having on City services.

2. Employees who have influenza or are experiencing flu-like symptoms are prohibited from coming to work. An employee should not report to work if they are feeling ill and are in doubt as to why. If the employee is in doubt, they should not report to work and are encouraged to consult their physician. Employees reporting to work who exhibit symptoms of influenza will be sent home and encouraged to consult their physician. The employee shall be required to utilize accrued leave pursuant to the Personnel Policies or applicable collective bargaining agreement if they are sent home due to symptoms of influenza.
  - a. If you, your spouse's/domestic partner's, or dependent's illness from influenza prevents you from reporting to work or on time, you are responsible for notifying your supervisor pursuant to the provisions of the Personnel Policies or applicable collective bargaining agreement. Employees must not return to work until they have been free of influenza symptoms for at least 24 hours (fever, chills, sore throat, etc.)
  - b. Employees are required to utilize their accrued sick or vacation leave, compensatory time, floating holidays, management or professional leave, or merit leave for absences when recovering from or caring for a spouse/domestic partner or dependent recovering from influenza.
    - i. Pandemic Influenza Sick Leave Advancement:  
Regular full-time and part-time employees who have no accrued leave and contract influenza during a pandemic may request an advancement of up to twenty-four (24) hours sick leave to compensate for work hours missed due to the employee's personal illness. The sick leave advancement shall be applied hour for hour of work missed up to a total of 24, and shall be deducted from the employee's regular accrual until the hours advanced are repaid.
      1. The City Manager may review and approve additional hours of sick leave advancement for individual employees when extenuating circumstances exist. These requests must be approved by and submitted in writing to the City Manager by the Department Director.

## 12.5 Wellness Program

Personnel Procedures Approved: 9/30/2011

1. PURPOSE: To promote employee health awareness, individual fitness, and healthful lifestyle choices.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: Not applicable.
4. POLICY:

In order to promote the efficiency and effectiveness of the City's service to the community and increase healthcare savings by reducing healthcare use, it is the policy of the City to promote a healthy lifestyle for all of its employees. The Wellness Committee is created and shall recommend the expenditure of budgeted funds on information, motivational and behavior change programs. With appropriate approval, based on committee recommendations, awards may be made to employees who have achieved health and wellness goals. Such awards, paid for with budgeted, and/or donated, funds, shall be de minimus in value. For the purpose of this policy de minimus value shall be items with a value of \$50.00 or less.

5. PROCEDURES:

- A. The following types of programs may be offered by the Wellness Committee:
  1. Informational Programs. Raise awareness of healthy lifestyle choices related to such issues as nutrition, weight control, smoking cessation, the benefits of regular exercise, etc.
  2. Motivational Programs. Provide an assessment to the employee as to the long-term affects of present habits in order to support changes in daily and long-term healthful life style choices.
  3. Behavior Change Programs. Encourage employees to adopt healthy lifestyles through such activities as weight management classes, smoking cessation classes, nutrition classes, fitness/exercise programs, stress management seminars, back injury prevention classes, ergonomic classes and other informational classes/seminars based on City or department need.
- B. Wellness Committee Representation and Wellness Committee Staff Support.

Except as provided in Section C, the Wellness Committee is a voluntary or appointed committee comprised of representatives from various work groups. It is the intent of the City to encourage cross section of membership from the various departments, labor and management. Department Directors

responsible for the employees serving on the committee are responsible for ensuring that committee members are available to attend meetings during work hours. A member from Human Resources will serve on the Committee as a voting member and will maintain the Minutes of Wellness Committee Meetings.

- C. The Human Resources Director, or their designee, shall be responsible for expenditure oversight and approvals.
- D. Adopted program features, which may be amended or changed from time to time, shall be attached to this policy for reference.
- E. Employee Participation. Participation in wellness programs such as health screenings and healthy lifestyle trainings is encouraged. Supervisors may allow employees additional time during work hours to attend City wellness programs and health screenings provided work demands are appropriately met. The Wellness Committee supports employee submissions for program ideas.



## 12.6 Commute Trip Reduction Program

Personnel Procedures Approved: 5/8/2008

1. PURPOSE: To establish the City's procedures on implementation of and participation in Commute Trip Reduction (CTR) Program in accordance with State law.
2. ORGANIZATIONS AFFECTED: All departments/divisions.
3. REFERENCES: RCW 70.94.521-551, CTR Task Force Guidelines, Washington State Growth Management Act and Bothell Municipal Code (Chapter 14.06).
4. PROCEDURES:
  - A. Requirements. The City is required to develop and implement a CTR Program that will encourage its employees to reduce single occupancy vehicles (SOV) commute trips and vehicles per mile trips (VMT) per employee at each affected work site.
  - B. Mandatory Program Elements. The CTR Program includes several mandatory elements.
    1. Employee Transportation Coordinator. The City shall designate at least one (1) Employee Transportation Coordinator (ETC) to administer the CTR program at each affected worksite. The ETC's name, location and telephone number must be displayed prominently at each affected worksite. The ETC shall oversee all elements of the City's CTR Program.
    2. Information Distribution. Information about the City's CTR Program shall be distributed to all employees at least once a year and Program information shall be posted permanently and regularly updated in a conspicuous place that is easily accessible to all employees at bulletin boards and/or kiosks.
    3. The City will provide a summary of the program to all new employees at the time of New Employee Orientation.
    4. An annual progress report will be prepared and submitted which contains the information and data described in BMC 14.06.070(B,3). The City's program description and annual report must describe what information is to be distributed by the City and the method of distribution.

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5. The City will hold at least one (1) annual "transportation fair" or equivalent promotion which is available to all employees at each affected worksite.
  6. Ridematch Program. The City will operate a ridematch program. Ridematching can be a unique program for each affected worksite; sites close enough for workers to use a high occupancy vehicle (HOV); and/or the employee can utilize the regional ridematch systems provided by METRO and/or Community Transit or a "blended" ridematch.
- C. Annual Additional CTR Program Elements. The City will annually review its CTR Program Elements for effectiveness. The City may elect to continue those elements having the most employee participation and substitute or add additional elements to those with less participation.

Public education of City employees on the subject of Commute Trip Reduction is essential for a successful program to help reduce commute trips on Washington roads and streets. To achieve completion of CTR Program Elements, City funds will be appropriated to: provide nominal awards (value not to exceed \$100 per person) to employees who participate in the City's CTR Program if an event is not sponsored by an outside organization; allow the City to participate in promotional events sponsored by outside organizations, (value not to exceed \$200 per event) i.e., Metro Transit, Community Transit where there may be a cost to the City to participate; or to sponsor transportation fairs/events with the Northshore School District or other local organizations.

1. The City will include a Guaranteed Ride Home Program. If a suitable program is not available, the City will determine whether to continue this or another Program Element.
2. The City will pursue avenues for Ridematch participation with employees of the Northshore School District or other nearby organization, to include at least one joint transportation fair per year when possible.
3. The City will provide a Commuter Bonus/Bonus Plus subsidy in an amount up to \$20 per month per employee to employees who commute to and from work in other than their own vehicle as outlined on the Commuter Calendar form.

As further incentive for employees to reduce single occupancy vehicles (SOV) commute trips, employees who use an alternative commute mode at least 90% of their days worked or more each month will be eligible for an additional \$10 per month (\$30 per month total).

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4. Metro's Fly to Work Program, or comparable program if Fly to Work is not offered, will be offered to City employees, at approximate total cost to City of \$150/quarter.
  5. To encourage and promote ridesharing, the City will make a City or Transit agency van available 2-3 times per year, allowing employees to have a "hands on" introduction to ridesharing to and from work. This promotional event will be offered when all details of the vehicle availability are obtained.
  6. Where service delivery permits, the Departments may consider alternative work schedules or location such as: 4 ten hour work days or telecommuting.
- D. For procedures pertaining to specific items, refer to City of Bothell Ordinance No. 1507.

**Revisions to  
Personnel Policies and Procedures  
Adopted May 6, 2008**

<b>Revision No.</b>	<b>Date of Revision</b>	<b>Section</b>	<b>Description</b>
1	11-26-08	7.6	Military Leave
2	04-27-09	7.7	Family & Medical Leave
3	04-27-09	7.11	New - Leave for Victims of Domestic Violence
4	10-20-09	12.4	Emergency/Disaster and Pandemic Influenza Preparedness
5	12-08-09	6.1.5	Health Coverage for Dependents
6	12-15-09	7.2.4	Vacation Cash-outs in "At Will" Contracts
7	07-20-10	5.2	Hours of Work, Breaks, Days Off and Attendance
8	09-20-10	9.2	Local Government Whistleblower Procedures
9	01-03-11	4.1	Employee Classification And Salary Plan
10	09-30-11	12.5	Wellness Program
11	10-28-11	12.1	Safety Program
12	12-06-11	6.1	Health Insurance

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<b><u>Revision No.</u></b>	<b><u>Date of Revision</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
13	12-06-11	6.6	Deferred Compensation
14	01-19-12	7.4	Holidays
15	04-20-13	1.2	Definition of Terms
16	10-03-13	12.2	Incident Accident Reports
17	10-04-13	8.5	Travel Policy
18	10-15-13	2.1	Equal Employment Opportunity
19	10-15-13	12.3	Employee Right To Know Of Hazardous Materials
20	5-2-14	10.12	Social Media (NEW)
21	6-17-14	7.12	Unpaid Holidays (NEW)
22	7-7-14	10.6	Substance Abuse & Drug & Alcohol Testing Policies
23	11-1-14	10.7	Smoke Free Workplace
24	11-4-14	6.1	Health Insurance
25	11-6-14	1.2	Definition of Terms
26	1-16-15	5.3	Overtime, Comp Time, Management Leave